

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

# PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **242929-1** Application Number (if known): **12/818,552** Filing date: **06-18-2010**

First Named Inventor: **Robert Lafleur**

Title: **AIR CONDITIONER SYSTEM AND METHOD WITH ADAPTIVE AIRFLOW**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature **/Allison W. Mages/**

Date **12/10/11**

Name (Print/Typed) **Allison W. Mages**

Registration Number **57,275**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Robert Lafleur )  
Confirmation No.: 7989 )  
Serial No.: 12/818552 )  
Filing Date: 06-18-2010 )  
Atty Docket No.: 242929-1 (US) )

VIA EFS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

The application relates to air conditioners that heat and cool spaces. More particularly, the disclosed subject matter relates to air conditioners that utilize the natural convective properties of warm and cool air. (See [0001])

Air conditioning appliances are generally employed in both warm and cold climates to control the temperature of the air within an environment (e.g., a building, a house, etc). As is known in the art, air temperature and humidity can be stabilized utilizing a sealed refrigeration system that includes a compressor, a condenser, a expansion device and an evaporator for comfort cooling in buildings and motor vehicles. Room air conditioners, for example, generally include an air inlet and an air outlet located at a front side of the air conditioner, which faces the interior of a room. Such an air conditioner is positioned in a window opening or in a sleeved gap formed through the wall of the room. (See [0002])



In prior art air conditioner appliances, the air outlet can be a single opening positioned either along a top edge or a bottom edge of the front panel or may be a single opening positioned at one side or the other of the front panel. Disadvantages of this approach include the airflow direction, which is the same regardless of whether the unit is in a warming mode or cooling mode. In this regard, the heated or cooled air must be delivered against the natural convection forces due to the change in the weight of the air as it is heated or cooled. Moreover, the airflow throughout such a system may not be evenly distributed as the individual units shed their respective loads. Currently, there exists a need for a room air conditioner that is capable of maintaining temperatures more evenly across a room. (See [0003])

One aspect of the present invention relates to a conditioner system that includes a housing having an upper opening and a lower opening, and a sealed refrigeration system supported by the housing for providing cold air in a cooling mode. Additionally, a heater is disposed in the housing for providing warm air in a warming mode. An adaptive airflow control unit is disposed in the housing and is configured to discharge the cold air from the upper opening in order to transmit the cold air upward and high in an environment of the air conditioner system in the cooling mode and to discharge the warm air from the lower opening in order to transmit the warm air downward and low in the environment in the warming mode. (See [0005])

The configurations described in the application can be effectively adapted for heating/cooling air in the environment and effectively maintain even temperatures across a room. Such an approach can be employed to increase the efficiency of the disclosed room air conditioner system(s) to maintain more even temperatures across a room and to improve comfort control and less thermal gradient. (See [0027])

Therefore, Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the more efficient utilization and conservation of energy resources.

The undersigned representative may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Allison W. Mages/  
Allison W. Mages  
Reg. No. 57,275

Dated: December 10, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6730



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,552	06/18/2010	Robert Lafleur	242929-1	7989
52082 7590 12/16/2011 General Electric Company GE Global Patent Operation 2 Corporate Drive, Suite 648 Shelton, CT 06484			EXAMINER JULES, FRANTZ F	
			ART UNIT 3784	PAPER NUMBER
			NOTIFICATION DATE 12/16/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gpo.mail@ge.com  
allyson.carnaroli@ge.com



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General Electric Company  
GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton CT 06484

In re Application of  
LAFLEUR, ROBERT  
Application No. 12/818,552  
Filed: June 18, 2010  
Attorney Docket No. 242929/1

:

: DECISION ON PETITION  
: TO MAKE SPECIAL UNDER  
: THE GREEN TECHNOLOGY  
: PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Dec. 10, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable

energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to the green technology. This is not convincing. For example, it is not clear how the claimed lower hot air discharge and upper cold air discharge from an air conditioner will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. The claimed arrangement is a common practice for temperature equalization in a room because hot air raises and colder air sinks in order to produce convection. There is no connection between the claimed air conditioner and the green technology.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. The application will be forwarded to the Technology Center Art Unit 3784 for action in its regular turn.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Robert Lafleur )  
Confirmation No.: 7989 )  
Serial No.: 12/818552 )  
Filing Date: 06-18-2010 )  
Atty Docket No.: 242929-1 (US) )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Request for Reconsideration**

SIR:

This is responsive to the Decision on Petition, dated as mailed 16 December 2011, in the above-referenced application.

Applicant respectfully requests reconsideration of Applicant's Petition to Make Special on the basis that the present invention materially contributes to more efficient utilization and conservation of energy resources.

The Decision to Make Special Under the Green Technology Pilot Program (hereinafter "the Decision") states that it is not agreed that the application on its face meets the materiality standard. The Decision alleges that Applicant's statement that the claimed invention relates to green technology is not convincing. The Decision states that it is not clear how the claimed lower hot air discharge and upper cold air discharge from an air conditioner will provide and enhance the quality of the environment or contribute to the development of renewable energy resources or energy conservation or greenhouse gas reduction. The Decision alleges that the claimed arrangement is a common

practice for temperature equalization in a room because hot air raises and colder air sinks in order to produce convection. The Decision also alleges that there is no connection between the claimed air conditioner and green technology.

Applicant does not agree with the comments made in the Decision.

Applicant respectfully submits that the present invention is generally directed to air conditioners that heat and cool spaces and, more particularly, that utilize the natural convective properties of warm and cool air. (see at least paragraph [0001]).

Air conditioning appliances are generally employed in both warm and cold climates to control the temperature of the air within an environment (e.g., a building, a house, etc.). As is known in the art, air temperature and humidity can be stabilized utilizing a sealed refrigeration system that includes a compressor, a condenser, an expansion device and an evaporator for comfort cooling in buildings and motor vehicles. Room air conditioners, for example, generally include an air inlet and an air outlet located at a front side of the air conditioner, which faces the interior of a room. Such an air conditioner is positioned in a window opening or in a sleeved gap formed through the wall of the room. Also, as known in the art, the air can be pulled through one set of louvers, and discharged through another set of louvers. (see at least paragraph [0002]).

In prior art air conditioner appliances, the air outlet can be a single opening positioned either along a top edge or a bottom edge of the front panel or may be a single opening positioned at one side or the other of the front panel. Disadvantages of this approach include the airflow direction, which is the same regardless of whether the unit is in a warming mode or cooling mode. In this regard, the heated or cooled air must be delivered against the natural convection forces due to the change in the weight of the air as it is heated or cooled.

Moreover, the airflow throughout such a system may not be evenly distributed as the individual units shed their respective loads. Currently, there exists a need for a room air conditioner that is capable of maintaining temperatures more evenly across a room. (see at least paragraph [0003]).

Embodiments disclosed herein relate to an conditioner system that includes a housing having an upper opening and a lower opening, and a sealed refrigeration system supported by the housing for providing cold air in a cooling mode. Additionally, a heater is disposed in the housing for providing warm air in a warming mode. An adaptive airflow control unit is disposed in the housing and is configured to discharge the cold air from the upper opening in order to transmit the cold air upward and high in an environment of the air conditioner system in the cooling mode and to discharge the warm air from the lower opening in order to transmit the warm air downward and low in the environment in the warming mode. (see at least paragraph [0005]).

During the cooling mode operation, a large part of the air can be guided along the ceiling of the room in order to avoid drafts and by the gradual descent of the cold, heavy air in the downward direction to achieve a relatively uniform temperature distribution in the room. The air at the floor is pulled back into the system from the set of bottom end louvers located within the gap or lower opening of the bottom portion of the housing. Alternatively, the air conditioner system discharges the warm air through the set of bottom end louvers located within the lower opening at the bottom portion. During the warming mode operation, a large part of the air can be guided along the floor and then ascends in an upward direction towards the ceiling of the environment. The air at the ceiling is pulled back into the system from the top end louvers to achieve a



relatively uniform temperature distribution in the room. (see at least paragraph [0021]).

It should be appreciated that the disclosed system can thus be effectively adapted for heating/cooling air in the environment and effectively maintain even temperatures across a room. Such an approach can be employed to increase the efficiency of the disclosed room air conditioner system(s) to maintain more even temperatures across a room and to improve comfort control and less thermal gradient. (see at least paragraph [0027]).

Embodiments of the present invention materially contribute to energy conservation by effectively heating/cooling air in the environment and by increasing the efficiency of the disclosed room air conditioner system(s) to maintain more even temperatures across a room and to improve comfort control and less thermal gradient. These measures aid in a more efficient air conditioner, resulting in less energy consumed, which in turn promotes more efficient utilization and conservation of energy resources.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Allison W Mages/  
Allison Weiner Mages  
Reg. No. 57,275

Dated: January 14, 2012

GE Global Patent Operation  
2 Corporate Drive, Suite 648

Shelton, CT 06484  
203-944-6730



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,552	06/18/2010	Robert Lafleur	242929-1	7989
52082	7590	01/31/2012	EXAMINER	
General Electric Company GE Global Patent Operation 2 Corporate Drive, Suite 648 Shelton, CT 06484			JULES, FRANTZ F	
			ART UNIT	PAPER NUMBER
			3784	
			NOTIFICATION DATE	DELIVERY MODE
			01/31/2012	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gpo.mail@ge.com  
allyson.carnaroli@ge.com



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JAN 31 2012

General Electric Company  
GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton CT 06484

In re Application of	:	
Lafleur	:	DECISION ON PETITION
Application No. 12/818,552	:	TO MAKE SPECIAL UNDER
Filed: 6/18/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 242929-1	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 1/14/2012, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 3784 for action on the merits commensurate with this decision.

/Tom Dunn/

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Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,556	06/18/2010	Masashi OHKUBO	358100US8	8010

7590 09/02/2011  
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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TRAN, KHOI H

ART UNIT	PAPER NUMBER
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3664

NOTIFICATION DATE	DELIVERY MODE
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09/02/2011

ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

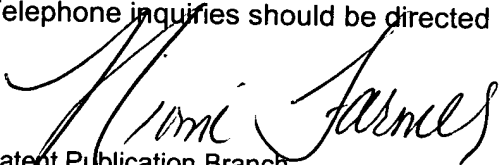
*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



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JAMES M. WU  
JW LAW GROUP  
SUITE 820  
84 WEST SANTA CLARA STREET  
SAN JOSE CA 95113

**MAILED**

**AUG 03 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Lu, et al. : **DECISION ON PETITION**  
Application No. 12/818,645 :  
Filed: 18 June, 2010 :  
Attorney Docket No. 1094.P0003US :

This is a decision on the petition filed on 18 June, 2010, pursuant to 37 C.F.R. §1.47

**NOTE:**

It appears that Petitioner submitted on 18 June, 2010, papers without proper signature, without fee and without proper signed and translated materials required in support of a petition under the Rule.

Petitioner, as one registered to practice before the Office, is aware that matters submitted must be signed pursuant to 37 C.F.R. §1.33 (*see also*: MPEP §714.01(a)) and papers submitted pursuant to 37 C.F.R. §1.47 **must** include, *inter alia*, the fee (without which the Office may not consider the petition) and should include a copy of the transmittal letters (with translation where appropriate) whereby the entire application (description, claims, abstract, drawing) were transmitted to the non-signing inventor, whether by mail, courier or by hand delivery. (*See, generally*: MPEP §409.03, et seq.)

The petition as considered pursuant to 37 C.F.R. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Pursuant to 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 C.F.R. §1.136(a).

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

A grantable petition pursuant to 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (*See, generally:* MPEP §409.03, and §409.03(a)—the applicable statute (35 U.S.C. § 116) requires that a “diligent effort” have been expended in attempting to identify a reasonably believed to be last known address for and so find or reach the non-signing inventor to ensure transmittal to the non-signing inventors a copy of the entire application (description, claims; abstract, drawings) with a copy of the transmittal letter) to the non-signing inventor(s).)

***In particular, Petitioner has not as of this writing satisfied the requirement(s) of the petition as listed above and discussed below.***

*Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.*

### BACKGROUND

The record reflects as follows:

The application was deposited on 18 June, 2010, without, *inter alia*, a fully executed oath/declaration

It does not appear that the Office mailed a Notice to File Corrected Application Papers (Including a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration) because a petition pursuant to 37 C.F.R. §1.47 was included in the 18 June, 2010 deposit of papers.

On 18 June, 2010, Petitioner James M. Wu (Reg. No. 45,241) submitted, *inter alia*: papers apparently intended pursuant to 37 C.F.R. §1.47, but which were considered as a wholly incomplete without signature pursuant to 37 C.F.R. §1.33, as discussed above—the papers are signed in an affectation of the Applicants, but with only one person signing which is wholly insufficient; Petitioner must sign the petition and include his registration number, and should



include as well his contact information; and Petitioner provided no fee/fee authorization; Petitioner included an oath/declaration executed by co-inventors Lu, JHC Lin and Ju for themselves and on behalf of non-signing inventor Pao-Yen Lin (Mr. PO Lin). Petitioner set forth statement of last known address to which he averred he transmitted papers to the non-signing inventor, but there is no transmittal letter and much of the correspondence, including Email, is not accompanied by appropriate translations, and there is no first-person statement from anyone who presented papers and was present when the non-signing inventor refused to sign. Petitioner made no showing whatsoever of a search an address pursuant to Petitioner's duty of candor to— with requirement for diligent inquiry before—the Office. As noted above, Petitioner failed to file an actual signed petition as required under statute, the Rules of Practice and the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.

Out of an abundance of caution, Petitioner should step through the requirements of a grantable petition under 37 C.F.R. §1.47(a) (i.e., (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address) and satisfy himself that he has complied with these requirements on submission of any renewed petition.

Again, Petitioner has not worked through the requirements of the petition.

Thus, the present incompleteness of the record makes granting of the instant petition inappropriate.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

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<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88

Application No. 12/818,645

The instant petition under 37 C.F.R. §1.47(a) is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop PETITIONS  
                              Commissioner for Patents  
                              Post Office Box 1450  
                              Alexandria, VA 22313-1450

By hand:                 Customer Service Window  
                              Mail Stop Petitions  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

By FAX:                 (571) 273-8300  
                              ATTN: Office of Petitions

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

<sup>2</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

JAMES M. WU  
JW LAW GROUP  
SUITE 820  
84 WEST SANTA CLARA STREET  
SAN JOSE CA 95113

**MAILED**

**JAN 31 2011**

**OFFICE OF PETITIONS**

In re Application of  
Lu, et al.  
Application No. 12/818,645  
Filed: 18 June, 2010  
Attorney Docket No. 1094.P0003US

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DECISION ON PETITION

This is a decision on the petition filed on 3 November, 2010, pursuant to 37 C.F.R. §1.47

The petition as considered under 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

*Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.*

*Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.*

**BACKGROUND**

The record reflects as follows:

Application No. 12/818,645

The application was deposited on 18 June, 2010, without, *inter alia*, a fully executed oath/declaration

It does not appear that the Office mailed a Notice to File Corrected Application Papers (Including a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration) because a petition pursuant to 37 C.F.R. §1.47 was included in the 18 June, 2010 deposit of papers.

On 18 June, 2010, Petitioner James M. Wu (Reg. No. 45,241) submitted, *inter alia*: papers apparently intended pursuant to 37 C.F.R. §1.47, but which were considered as a wholly incomplete without signature pursuant to 37 C.F.R. §1.33, as discussed above—the papers are signed in an affectation of the Applicants, but with only one person signing which is wholly insufficient; Petitioner must sign the petition and include his registration number, and should include as well his contact information; and Petitioner provided no fee/fee authorization; Petitioner included an oath/declaration executed by co-inventors Lu, JHC Lin and Ju for themselves and on behalf of non-signing inventor Pao-Yen Lin (Mr. PO Lin). Petitioner set forth statement of last known address to which he averred he transmitted papers to the non-signing inventor, but there is no transmittal letter and much of the correspondence, including Email, is not accompanied by appropriate translations, and there is no first-person statement from anyone who presented papers and was present when the non-signing inventor refused to sign. Petitioner made no showing whatsoever of a search an address pursuant to Petitioner's duty of candor to—with requirement for diligent inquiry before—the Office. As noted above, Petitioner failed to file an actual signed petition as required under statute, the Rules of Practice and the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq. The petition was dismissed on 3 August, 2010.

On 3 November, 2010, Petitioner re-advanced his petition pursuant to 37 C.F.R. §1.47, with fee, an oath/declaration executed by co-inventors Lu, JHC Lin and Ju for themselves and on behalf of non-signing inventor Pao-Yen Lin (Mr. PO Lin). Petitioner set forth statement of last known address of the non-signing inventor and evidence of transmittal of the entire application—description, claims, abstract, drawings—to the non-signing inventor and his failure to reply and, thus, constructive refusal to sign/join in the oath/declaration and application, with Petitioner's diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address (signed return receipts). It appears that Petitioner provided a showing satisfying the requirements under the Rule to wit: showing/proving that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address. Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq., and provide a showing that the non-signing inventor could not be found after diligent effort.

Application No. 12/818,645

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

#### CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) for such processing as required in due course.

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<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

Application No. 12/818,645

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

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<sup>2</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

PAO-YEN LIN  
NO. 8, LANE 3, CHONGSHAN 1<sup>ST</sup> STREET  
TAINAN CITY 701  
TAIWAN (ROC)

**MAILED**

**JAN 31 2011**

**OFFICE OF PETITIONS**

In re Application of  
Lu, et al. :  
Application No. 12/818,645 : COMMUNICATION  
Filed: 18 June, 2010 :  
Attorney Docket No. 1094.P0003US :

Dear Pao-Yen Lin:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.


Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (<https://oedci.uspto.gov/OEDCI/>).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Application No. 12/818,645

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>1</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/your action(s) and/or inactions. Moreover, the Office can neither advise you nor recommend Counsel in this matter.

  
/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

Counsel of Record:  
JAMES M. WU  
JW LAW GROUP  
SUITE 820  
84 WEST SANTA CLARA STREET  
SAN JOSE CA 95113

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<sup>1</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

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UNITED STATES PATENT AND TRADEMARK OFFICE

06 OCT 2010

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23713  
GREENLEE SULLIVAN P.C.  
4875 Pearl East Circle  
Suite 200  
Boulder, CO 80301

In re Application of :  
JUGDE *et al* :  
Application No.: 12/818,725 :  
Filing Date: June 18, 2010 :  
Attorney Docket No.: 84-10 :  
For: GLYCOSYLTRANSFERASES, :  
POLYNUCLEOTIDES ENCODING :  
THESE AND METHODS OF USE :

**DECISION**

This decision is in response to applicants' petition under 37 CFR 1.182 filed August 10, 2010. The \$400.00 petition fee has been paid.

Applicants claim that the above-captioned application was mistakenly filed under 35 U.S.C. 111(a) as all the paperwork submitted was for a national stage application filed under 35 U.S.C. 371. Applicants request that the above-captioned application be converted to a national stage application.

U.S. Statutes and Regulations do not make specific provision for the requested action and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will **only** grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where **no** other remedy is available.

In the present petition, applicants have not made a showing that any loss of patent rights would occur if the above-captioned application remains a filing under 35 U.S.C. 111(a). Accordingly, the petition is **DISMISSED** for lack of showing of sufficient cause.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required. This application is being forwarded to OIPE for further processing under 35 U.S.C. 111(a).

  
James Thomson  
Attorney Advisor  
Office of PCT Legal Administration

Tel.: (571) 272-3302



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,731	06/18/2010	Seiichiro KIMOTO	26261	8410
23389 7590 07/08/2011 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			EXAMINER	
			ART UNIT	PAPER NUMBER
			3739	
			MAIL DATE	DELIVERY MODE
			07/08/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Alexandria, VA 22313-1450  
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SCULLY SCOTT MURPHY & PRESSER, PC  
400 GARDEN CITY PLAZA  
SUITE 300  
GARDEN CITY NY 11530

*In re* Application of:  
KIMOTO, SEIICHIRO  
Serial No.: 12/818731  
Filed: June 18, 2010  
Attorney Docket No. : 26261

Title: BODY-INSERTABLE APPARATUS

:  
: DECISION ON A REQUEST TO  
: PARTICIPATE IN PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 24, 2011 to make the above-identified application special.

The request and petition are **granted**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen  
Special Programs Examiner  
Technology Center 3700  
Tel: 571-272-4856



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**KING & SPALDING, LLP**  
**1100 LOUISIANA ST., STE. 4000**  
**ATTN.: IP Docketing**  
**HOUSTON TX 77002-5213**

**MAILED**

**JUN 16 2011**

**OFFICE OF PETITIONS**

In re Application of  
**WALLACE, Paul S. et al.**  
Application No. 12/818,740  
Filed: June 18, 2010  
Attorney Docket No. **17318.105045**

:  
:  
: **DECISION ON PETITION**  
: **TO WITHDRAW**  
: **FROM RECORD**  
:

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 29, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Therefore, as there is currently no statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request for Withdrawal.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

A handwritten signature in black ink, appearing to read "Michelle R. Eason", written in a cursive style.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **KATANA ENERGY LLC  
14019 SOUTHWEST FREEWAY  
SUITE 301-388  
SUGAR LAND, TEXAS 77478**



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450  
Alexandria, VA 22313-1450  
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**KING & SPALDING, LLP**  
**1100 LOUISIANA ST., STE. 4000**  
**ATTN.: IP DOCKETING**  
**HOUSTON TX 77002-5213**

**MAILED**

**OCT 03 2011**

**OFFICE OF PETITIONS**

In re Application of  
**WALLACE, Paul Steven**  
Application No. 12/818,740  
Filed: June 18, 2010  
Attorney Docket No. **17318.105045**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 16, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Rajesh D. Patel on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Paul Steven Wallace at the address indicated below.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

A handwritten signature in black ink, appearing to read "Michelle R. Eason".

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **PAUL STEVEN WALLACE**  
**1110 CHEYENNE MEADOWS DRIVE**  
**KATY, TEXAS 77450**



<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12818749	
Filing Date	18-Jun-2010	
First Named Inventor	David CROOK	
Art Unit	3775	
Examiner Name	THOMAS BARRETT	
Attorney Docket Number	33939/41	
Title	TRIPLE LEAD BONE SCREW	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32642 _____
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number:		
		102983 _____
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/R. Whitney Johnson/	
Name	R. Whitney Johnson	
Registration Number	62997	



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 13, 2012

In re Application of :

David CROOK

Application No : 12818749

Filed : 18-Jun-2010

Attorney Docket No : 33939/41

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 13, 2012

The request is **APPROVED**

The request was signed by R. Whitney Johnson (registration no. 62997 ) on behalf of all attorneys/agents associated with Customer Number 32642 . All attorneys/agents associated with Customer Number 32642 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 102983 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/818,753	Filing date:	June 18, 2010
First Named Inventor:	Peter J. de Groot		

Title of the  
Invention: Equal-Path Interferometer

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT  
application number(s) is/are: PCT/US2010/039125

The international filing date of the corresponding  
PCT application(s) is/are: June 18, 2010

## I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☐

Is attached

☒

Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/818,753
First Named Inventor:	Peter J. de Groot

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐ **WORKSHEET, WORKSHEET**  
Is attached

☐ Has already been filed in the above-identified U.S. application on March 14, 2011

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

☐ Are attached.

Have already been filed in the above-identified U.S. application on March 14, 2011

## II. Claims Correspondence Table:

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature	/Chris Bowley, Reg. No. 55,016/	Date	May 24, 2011
Name (Print/Typed)	Chris C. Bowley	Registration Number	55,016

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,753	06/18/2010	Peter J. De Groot	09712-0516001 / Z-577	8466
26161 7590 06/08/2011 FISH & RICHARDSON P.C. (BO) P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				
			EXAMINER LYONS, MICHAEL A	
			ART UNIT 2877	PAPER NUMBER
			NOTIFICATION DATE 06/08/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com



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**FISH & RICHARDSON P.C. (BO)**  
**P.O. BOX 1022**  
**MINNEAPOLIS MN 55440-1022**

**In re Application of**  
**DE GROOT et al.**  
**Application No.: 12/818,753**  
**Filed: 18 June 2010**  
**Attorney Docket No.: 09712-0516001 / Z-577**  
**For: EQUAL-PATH**  
**INTERFEROMETER**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 24 May 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;


(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
TQAS Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components





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Hamilton, Brook, Smith & Reynolds, P.C.  
530 Virginia Road  
P.O. Box 9133  
Concord MA 01742

**MAILED**

**JAN 11 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Anthony, et al.	:	DECISION GRANTING STATUS
Application No. 12/818,762	:	UNDER 37 CFR 1.47(a)
Filed: June 18, 2010	:	
Attorney Docket No. 3575.1034-002	:	

This is in response to the petition under 37 CFR 1.47(a), filed October 29, 2010.

The petition is **GRANTED**.


Petitioners have shown that the non-signing inventor, Michael P. Anthony, has constructively refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12818768	Filing date:	June 18, 2010
First Named Inventor:	John C. Sullivan		
Title of the Invention:	SYSTEM AND METHOD FOR MARKETING		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/039197

**The international filing date of the corresponding PCT application(s) is/are:**

June 18, 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12818768
First Named Inventor:	John C. Sullivan

- ☐ **WORKSHEET, WORKSHEET**  
Is attached

<input type="checkbox"/>		
<input checked="" type="checkbox"/>	Has already been filed in the above-identified U.S. application on	7/28/2010 and 3/16/2011

- ☐ Are attached.

☐ Have already been filed in the above-identified U.S. application on

[illegible]

Signature <u>/Una L. Lauricia/</u>	Date <u>12/1/2011</u>
Name (Print/Typed) <u>Una L. Lauricia</u>	Registration Number <u>48998</u>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Pearne & Gordon LLP  
1801 East 9th Street  
Suite 1200  
Cleveland OH 44114-3108

**MAILED**

**FEB 27 2012**

**OFFICE OF PETITIONS**

**In re Application of**

**SULLIVAN et al.**

**Application No.: 12/818,768**

**Filed: June 18, 2010**

**Attorney Docket No.: JCS-45530US1**

**For: SYSTEM AND METHOD FOR  
MARKETING**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on December 1, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and

industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

Requirements (1) and (3-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fail to meet requirements (2) and (7).


Regarding the requirement of condition (2), applicant has failed to identify and explain why the claims are not subject to the observation in Box VIII of the Written Opinion (PCT/ISA/237).

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

  
David Bucci  
Petitions Examiner  
Office of Petitions

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 12/818,768  
Applicant : John C. Sullivan et al.  
Filed : June 18, 2010  
Title : SYSTEM AND METHOD FOR MARKETING

Docket No. : JCS-45530US1  
Cust. No. : 86378

Conf. No. : 8508  
Art Unit : 2811

**RESPONSE TO DECISION ON REQUEST TO PARTICIPATE  
IN THE PATENT PROSECUTION HIGHWAY PROGRAM AND  
PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(a)**

Applicants thank Ms. Burke for the courtesies extended in the phone call of March 16, 2012. The present request and petition were dismissed for failing to meet requirements (2) and (7). It appears that the incorrect Written Opinion was before the Office of Petitions when deciding this matter. Accordingly, Applicants hereby submit the Written Opinion that corresponds with the present application (International application No. PCT/US2010/039197). Note that the references cited in this Written Opinion were cited in either the IDS submitted on July 28, 2010 or the IDS submitted on March 16, 2011. Also note that no observations on the international application were made (i.e., Box No. VIII was not checked). If any additional information is needed to correct any deficiencies in Applicants' request and petition, the Office is invited to contact Applicants representative at the number listed below.

Respectfully submitted,

/Una L. Lauricia/  
Una L. Lauricia, Reg. No. 48998

Pearne & Gordon LLP  
1801 East 9<sup>th</sup> Street, Suite 1200  
Cleveland, OH 44114-3108  
(216) 579-1700  
Date: March 16, 2012



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TAYLOR & AUST, PC  
TODD T. TAYLOR  
PO BOX 560  
AVILLA IN 46710

**MAILED**

OCT 24 2011

OFFICE OF PETITIONS

In re Application of	:
John Jeffrey et al.	:
Application No. 12/818,806	: DECISION REFUSING STATUS
Filed: June 18, 2010	: UNDER 37 CFR 1.47(a)
Attorney Docket No. VOI0627.US	:

This decision is in response to the petitions filed October 12, 2011, under 37 CFR 1.47(a) and 37 CFR 1.137(b), in response to the Notice to File Missing Parts, mailed July 2, 2010.

The petition under 37 CFR 1.137(b) is **DISMISSED**.  
The petition under 37 CFR 1.47(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)" and "Renewed Petition under 37 CFR 1.47(a)". This is **not** a final agency decision.

The above-identified application was filed on June 18, 2010, naming John Jeffrey, Andrew Allum, Paul Rydin, and Michael Spence, but without a signed declaration. Accordingly, on July 2, 2010, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration. No response having been timely filed, the application became abandoned September 3, 2010.

The present petitions seek revival under 37 CFR 1.137(b) and status under 37 CFR 1.47(a). Petitioner argues that "Mr. Michael Kramer refuses to join in the above-identified application for patent or cannot be found or reached after diligent effort". At the outset, since Michael Kramer is not a named inventor, it is being construed that petitioner intended to argue that Mr. Michael Spence refuses to join in the above-identified application for patent or cannot be found or reached after diligent effort.



Furthermore, while petitioners argue that the non-signing inventor refuses to join in the above-identified application for patent or cannot be found or reached after diligent effort, the evidence presented is proof that correspondence regarding the above identified application and the subject of this petition were mailed to and delivered to the last known addresses. In the absence of the correspondence being returned or not delivered it can be construed that the non-signing inventors received the correspondence and thus locating them is not an issue. Instead, the petition is being construed to say that the non-signing inventors refuse to sign the oath or declaration and thus by their actions, to cooperate with the filing of the instant application. Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the petition.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

The present petition however, lacks item (1).

In regards to item (1), petitioners have not provided sufficient proof that a copy of the application (specification, including claims, drawings, if any, and the declaration) was sent to the non-signing inventor. The petition indicates that "by letter dated January 28, 2011, Ms. Silvia Karasek, a Voith employee, mailed a copy of the assignment and the declaration regarding U.S. patent application no. 12/818,806", to the last known address for Mr. Spence. The evidence presented does not indicate that the complete application was ever sent to Mr. Spence. Thus, there is no evidence to show that Mr. Spence had the benefit of reviewing the application.

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first hand knowledge of the details.

Likewise, before a *bona fide* refusal can be shown, the non-signing inventor must have been given an opportunity to review the application. Therefore, petitioners must show proof that the non-signing inventor refuses to sign the declaration after being sent or given a copy of the application papers. If there is a written refusal, petitioners should submit a copy of that refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Since the petition under 37 CFR 1.47(a), also filed October 12, 2011, is dismissed, the required reply under 37 CFR 1.137(b), item (1), is also lacking.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop Petitions  
                                    Commissioner for Patents  
                                    P.O. Box 1450  
                                    Alexandria, VA 22313-1450

By FAX:                      (571) 273-8300  
                                    Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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TODD T. TAYLOR  
PO BOX 560  
AVILLA IN 46710

**MAILED**  
DEC 12 2011

In re Application of  
John Jeffrey et al.  
Application No. 12/818,806  
Filed: June 18, 2010  
Attorney Docket No. VOI0627.US

**OFFICE OF PETITIONS**

:  
:  
: ON PETITION  
:

This is in response to the renewed petition filed December 1, 2011 under 37 CFR 1.47(a) and 37 CFR 1.137(b) to revive the above-identified application.

The above-identified application was filed on June 18, 2010, naming John Jeffrey, Andrew Allum, Paul Rydin, and Michael Spence, but without a signed declaration. Accordingly, on July 2, 2010, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration. No response having been timely filed, the application became abandoned September 3, 2010. Accordingly, a Notice of Abandonment was mailed March 11, 2011. In response, a petition under 37 CFR 1.47(a) was filed on October 12, 2011, which was dismissed in a decision mailed October 24, 2011 because the proof presented did not support a claim that a copy of the complete application had been sent to the non-signing inventor.

Comes now petitioner with a declaration signed by previous non-signing inventor Spence, in compliance with 37 CFR 1.63. In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is unnecessary.

The renewed petition filed December 1, 2011, noting joinder, is **DISMISSED** as involving moot issues.

This application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

In view of the above and as all requirements under 37 CFR 1.137 (b) have been satisfied, the petition to revive is **GRANTED**.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



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United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,809	06/18/2010	Richard Turner	329147.01	8596
69316	7590	08/24/2010		
MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052			EXAMINER LO, WEILUN	
			ART UNIT 2179	PAPER NUMBER
			NOTIFICATION DATE 08/24/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DBOUTON@MICROSOFT.COM  
vffiling@microsoft.com  
stevensp@microsoft.com



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MICROSOFT CORPORATON  
One Microsoft Way  
Redmond WA 98052

In re Application of:  
TURNER, Richard et al.  
Serial No.: 12/818,809  
Filed: June 18, 2010  
Docket: 329147.01  
Title: **CONTEXTUAL CONTROL OF  
DYNAMIC INPUT DEVICE**

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER  
37 C.F.R. § 1.102 &  
M.P.E.P. § 708.02

This is a decision on the petition filed on June 18, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
  - 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;
  - 5.3. encompass the disclosed features that may be claimed.
  6. must provide in support of the petition an accelerated examination support document.
- An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;
- 6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The conditions II-I4, II1 - II5, II5.1, II6.1, II6.2, II6.4 and II6.6 above are considered to have been met.

However, the petition fails to comply with conditions II5.2 and II5.3 above, for the reasons listed below. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

## ANALYSIS

Regarding the requirement of MPEP § 708.02(a)(I)(H)<sup>1</sup> and item II5.2 and II5.3 above, the pre-examination search must be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation. The pre-examination search conducted in the Pre-Examination Search Statement reveals that the text search did not encompass all the features of the claims. For example, there is no evidence that the limitations "determining a first context of the dominant application," "specifying a first input device user interface separate from a desktop user interface provided by the dominant application and corresponding to the first context of the dominant application, the first input device user interface configured to dynamically display a first set of virtual controls on the dynamic input device and report activation of the first set of virtual controls to the dominant application," "determining a second context of the dominant application, different from the first context of the dominant application," and "specifying a second input device user interface separate from the dominant application and different from the first input device user interface, the second input device user interface corresponding to the second context of the dominant application and configured to dynamically display a second set of virtual controls on the dynamic input device and report activation of the second set of virtual controls to the dominant application" were considered for the search. Clearly, the generic search terms used to perform the pre-examination search nor the inventor's names could reasonably encompass the limitations recited above, or the other limitations recited in each of claims 1-20. Furthermore, there is no evidence that the pre-examination search encompasses the disclosed features that maybe claimed as required by item II5.3.

## DECISION

For the above-stated reasons, the petition is **DISMISSED**.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be

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<sup>1</sup> MPEP 8<sup>th</sup> ed. rev 6 September 2007

Application Serial No. 12/818,809  
Decision on Petition

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considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

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Eddie C. Lee  
Quality Assurance Specialist  
Technology Center 2100





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,809	06/18/2010	Richard Turner	329147.01	8596
69316	7590	10/06/2010		
MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052				
			EXAMINER	
			LO, WEILUN	
			ART UNIT	PAPER NUMBER
			2179	
			NOTIFICATION DATE	DELIVERY MODE
			10/06/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DBOUTON@MICROSOFT.COM  
vffiling@microsoft.com  
stevensp@microsoft.com



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MICROSOFT CORPORATON  
One Microsoft Way  
Redmond WA 98052

In re Application of:  
TURNER, Richard et al.

Serial No.: 12/818,809

Filed: June 18, 2010

Docket: 329147.01

Title: **CONTEXTUAL CONTROL OF  
DYNAMIC INPUT DEVICE**

DECISION ON PÉTITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER  
37 C.F.R. § 1.102 &  
M.P.E.P. § 708.02

This is a decision on the request for reconsideration of the petition to make special filed on September 20, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The decision herein is pursuant to the filing of the request for reconsideration dated June 28, 2010.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" issued June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

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7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

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Eddie C. Lee  
Quality Assurance Specialist  
Technology Center 2100

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 83156604

Application Number  
(if known): 12818820

Filing date: June 18, 2010

First Named  
Inventor: Ian Graham Pegg

Title: HEAT EXCHANGING SYSTEMS FOR MOTOR VEHICLES

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /David S. Bir/

Date 03-04-2011

Name  
(Print/Typed) David S. Bir

Registration Number 38383

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,820	06/18/2010	Ian Graham Pegg	83156604	8622
28395 7590 03/16/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER	
			ART UNIT	PAPER NUMBER
			3748	
			MAIL DATE	DELIVERY MODE
			03/16/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

In re Application of  
PEGG, IAN GRAHAM et al  
Application No. 12/818,820  
Filed: June 18, 2010  
Attorney Docket No. 83156604

:

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY  
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 7, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to energy conservation or greenhouse gas reduction. This is not convincing. For example, it is not clear how the claimed cold engine responsive diverting EGR flow will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. The claims merely directed to two waste heat recovery heat exchangers.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3748 for action in its regular turn.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

IAN GRAHAM PEGG

Serial No.: 12/818,820

Filed: June 18, 2010

For: HEAT EXCHANGING SYSTEMS FOR MOTOR VEHICLES

Attorney Docket No.: 83156604

Group Art Unit: 3748

Examiner: Unknown

**REQUEST FOR RECONSIDERATION OF PETITION TO MAKE  
SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Decision on the Petition mailed March 16, 2011, Applicant respectfully requests reconsideration of the petition and Statement in support filed March 7, 2011 for the reasons stated herein.

In the decision dismissing the petition, it was stated that the petition lacked item #4, i.e. a statement pertaining to the materiality standard. Applicant respectfully disagrees as a statement in support of the materiality standard was filed with the petition on March 7, 2011. The Examiner states that it is not clear how the claimed invention, which is directed to exhaust gas heat exchangers meets the requirements. However, this was explained in detail in the statement submitted on March 7, 2011.

As previously explained, the claimed first and second exhaust gas heat exchangers materially contribute to the reduction of greenhouse gas emissions and the conservation of energy resources by improving engine performance during and shortly after a cold start. The claimed arrangement of exhaust gas heat exchangers allows the engine to warm up faster and reach desired operating temperature, which has an effect on a variety of engine components, such

as reducing frictional losses associated with cold engine and transmission oil, and allowing emissions control systems to reach desired operating temperature faster.

As explained in the specification, most vehicle journeys start with a cold engine with fuel consumption and exhaust emissions worse for a cold powertrain than when it is at normal operating temperatures. From a cold start, the engine metal, coolant, engine oil, transmission oil, and exhaust treatment systems take a significant amount of time to warm up. These components are consequently not operating at their optimum temperatures for a significant portion of the drive cycle and this has a detrimental effect on fuel economy and emissions. Engine oil warms up slowly in internal combustion engines, leading to higher friction due to higher viscosity of the oil, especially from ambient temperatures starts. In known systems oil temperature is initially linked to coolant temperature and coolant is more effective at cooling when cold than when the engine is hot. A water-cooled EGR system will also stay cold during the early stages of a drive cycle unless a bypass is fitted. Cold EGR gas tends to cause higher levels of carbon monoxide and hydrocarbons than is desirable.

During cold start or early warm-up operation, the engine will not require any cooling. To reach maximum fuel efficiency in the shortest possible time, it is advantageous to provide for heating lubricants, such as the engine oil and transmission oil, up to some optimum temperature.

The claimed invention is directed to a heat exchanging system for a motor vehicle having an internal combustion engine and an exhaust system which includes first and second exhaust gas heat exchangers connected in parallel: the first for exchanging heat between exhaust gas and engine oil; and the second for exchanging heat between exhaust gas and a circulating liquid coolant. A valve arrangement regulates the flow of exhaust gases between the two heat exchangers. The valve arrangement may include a diverter valve. Alternatively, the valve arrangement includes a first valve for controlling exhaust gas flow through the first exhaust gas heat exchanger and a second valve for controlling exhaust gas flow through the second exhaust gas heater exchanger. The heat exchanging system may form a part of an exhaust gas recirculation (EGR) system. In such a case, the first and second valves may be conventional

EGR valves. Alternatively, the diverter valve can be employed in conjunction with an EGR valve for regulating the flow of EGR gas into the engine's intake manifold.

According to embodiments of the claimed invention, energy is extracted from EGR gas to varying degrees to suit EGR cooling requirements and to use EGR gas heat during the early stages of the drive cycle to warm engine oil. The arrangement allows coolant temperature and oil temperature to be independent of one another in contrast to known systems where they are extensively coupled. Such an arrangement has the advantage of lowering CO, HC, and NOx emissions and reducing oil friction thereby leading to lower fuel consumption.

As described in detail above, the claimed heat exchanging system materially contributes to conservation of energy resources and the reduction of greenhouse gas emissions by allowing the engine to warm-up and reach desired operating temperature more quickly.

For the reasons above, Applicant respectfully requests the Examiner to reconsider the decision and grant the petition.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

Respectfully submitted,  
**IAN GRAHAM PEGG**

By: /David S. Bir/  
David S. Bir  
Reg. No. 38383  
Attorney for Applicant

Date: April 1, 2011

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,820	06/18/2010	Ian Graham Pegg	83156604	8622
28395 7590 04/27/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238				
			EXAMINER	
			ART UNIT	PAPER NUMBER
			3748	
			MAIL DATE	DELIVERY MODE
			04/27/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

In re Application of  
PEGG, IAN GRAHAM et al  
Application No. 12/818,820  
Filed: June 18, 2010  
Attorney Docket No. 83156604

:

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY  
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed April 4, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by



a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,881	06/18/2010	Ruobin Zheng	HUAW02-10842	8769
7590 07/22/2011				
Docket Clerk/HTCL P.O. Drawer 800889 Dallas, TX 75380				
EXAMINER KIZOU, HASSAN				
ART UNIT		PAPER NUMBER		
2472				
NOTIFICATION DATE		DELIVERY MODE		
07/22/2011		ELECTRONIC		

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management



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**CHOATE, HALL & STEWART / CITRIX SYSTEMS, INC.  
TWO INTERNATIONAL PLACE  
BOSTON MA 02110**

**MAILED**

**DEC 02 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Avdanin et al.	:	DECISION ON PETITION
Application No. 12/818,882	:	TO WITHDRAW
Filed: June 18, 2010	:	FROM RECORD
Attorney Docket No. 2006579-2057 (CTX-507US)	:	

This is a decision on the Request to Withdraw as Attorney or Agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40, filed November 10, 2010.


The request is **DISMISSED**.

A review of the file record indicates that practitioner signing the request, Brenda Herschbach Jarrell, and the other attorneys/agents of Choate, Hall & Stewart: (1) do not have power of attorney in this patent application; but (2) have been employed or otherwise engaged in the proceedings in this patent application.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner was never given power of attorney but is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation.

Further, the change of correspondence address as listed in the Request to Withdraw cannot be accepted because it was not signed by an attorney of record. *See MPEP §§ 601.03 and 405*. If the applicants wish future correspondence to be mailed to a new law firm, a new power of attorney should be submitted in the application and should include the desired change of correspondence address. The Office will continue to mail all future correspondence solely to the address of record until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,897	06/18/2010	Jianjun Wu	HW706552	8804
77399	7590	08/02/2010	EXAMINER	
Leydig, Voit & Mayer, Ltd (for Huawei Technologies Co., Ltd) Two Prudential Plaza Suite 4900 180 North Stetson Avenue Chicago, IL 60601			ART UNIT	PAPER NUMBER
			2618	
			NOTIFICATION DATE	DELIVERY MODE
			08/02/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Chgpatent@leydig.com  
uspatent@huawei.com



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Leydig, Voit & Mayer, Ltd  
(for Huawei Technologies Co., Ltd)  
Two Prudential Plaza Suite 4900  
180 North Stetson Avenue  
Chicago IL 60601

In re Application of:  
WU, JIANJUN et al.  
Serial No.: 12/818,897  
Filed: June 18, 2010

Title: **PAGING GROUP NETWORK AND  
METHOD FOR UPDATING MOBILE  
STATION LOCATIONS**

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the petition filed on June 18, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
- 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
- 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;
- 6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II Items 5.2, 5.3, 6.2, 6.3, and 6.5.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirement in item 5.2 and 5.3 above, the preexamination search document provided with the instant petition is deficient as follows: In addition to the search logic already employed by applicants, the examiner has also recommended that applicants include search logic “relaying” and “repeater”. Applicants are reminded that different databases have different operators and symbols. Applicants should provide complete listings of all search logic provided in specific search areas, as well as the date the search was conducted, for each search. Please note that the above strings are merely suggestive and are not all-encompassing.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5.2 and 5.3 above, and the Preexamination Search Document must be amended to indicate such; a new Information Disclosure Statement should be filed to cite any newly found prior art, and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above; as well as the necessary updated discussion of patentability for each of the dependent claims (or a statement that claims stand or fall together) as set forth above.

Regarding the requirement in items 6.2 and 6.3 above, petitioner does not provide an identification of claimed limitations and/or a detailed explanation of patentability of each of the claims with respect to each reference cited in the IDS in support of the Accelerated Examination Support Document. Petitioner has only identified and also argued the patentability of the claims in regard to 6 of the 12 cited references in the IDS filed with the accelerated examination support document. The Accelerated Examination Support Document does not provide an identification of all claimed limitations and/or a detailed explanation of patentability of all of the claims with respect to the other six cited references. Therefore, any request for reconsideration must provide a detailed explanation in regard to the claims with respect to the other six cited references as set forth in items 6.2 and 6.3 above.

Regarding the requirement in item 6.5 above, the “Accelerated Examination Support Document”, is deficient because it fails to include a showing of where ***each limitation of the claims*** finds support under the first paragraph of 35 USC 112 in the written description of ***each benefit application***. As set forth supra, “if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists”. It is noted that the instant application claims benefit to Chinese foreign application 200510129398.X. Petitioner has not provided a showing of support for this benefit application. Therefore, an updated accelerated examination support document must be provided which shows where each limitation of the claims finds support in this benefit application as well.

### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Doris To, Quality Assurance Specialist, at (571) 272-7629.

/Doris To/

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Doris To  
Quality Assurance Specialist  
Technology Center 2600  
Communications

D.2e





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,897	06/18/2010	Jianjun Wu	HW706552	8804
77399	7590	09/09/2010	EXAMINER	
Leydig, Voit & Mayer, Ltd (for Huawei Technologies Co., Ltd) Two Prudential Plaza Suite 4900 180 North Stetson Avenue Chicago, IL 60601			ART UNIT	PAPER NUMBER
			2618	
			NOTIFICATION DATE	DELIVERY MODE
			09/09/2010	ELECTRONIC

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Chgpatent@leydig.com  
uspatent@huawei.com



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Leydig, Voit & Mayer, Ltd  
(for Huawei Technologies Co., Ltd)  
Two Prudential Plaza Suite 4900  
180 North Stetson Avenue  
Chicago IL 60601

In re Application of:  
WU, JIANJUN et al  
Serial No.: 12/818,897  
Filed: June 18, 2010

Attorney Docket No: **HW706552**

Title: **PAGING GROUP NETWORK AND  
METHOD FOR UPDATING MOBILE  
STATION LOCATIONS**

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DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the petition filed on August 27, 2010 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

All of the requirements to correct the deficiencies outlined in the petition decision mailed August 2, 2010 have been met.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01.  
As a prerequisite to the grant of this petition, the applicant has agreed to make an oral

election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having been constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Doris To, Quality Assurance Specialist, at (571) 272-7629.

/Doris To/

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Doris To  
Quality Assurance Specialist  
Technology Center 2600  
Communications

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 083980-0387309 TMT-033

Application Number  
(if known): 12/818,921

Filing date: June 18, 2010

First Named  
Inventor: Wei-Min Jeff WANG

Title: SOLID-STATE LIGHT BULB HAVING ION WIND FAN AND INTERNAL HEAT SINKS

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

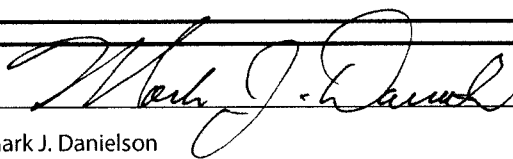
3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment; Supplemental IDS

Signature



Date April 7, 2011

Name  
(Print/Typed) Mark J. Danielson

Registration Number 40,580

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,921	06/18/2010	Wei-Min Jeff WANG	083980-0387309 TMT-033-U	8865
27498 7590 04/22/2011 PILLSBURY WINTHROP SHAW PITTMAN LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER PATEL, NIMESHKUMAR D	
			ART UNIT 2879	PAPER NUMBER
			NOTIFICATION DATE 04/22/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket\_ip@pillsburylaw.com



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PILLSBURY WINTHROP SHAW PITTMAN LLP  
P.O. BOX 10500  
MCLEAN VA 22102

In re Application of	:	
WANG et al.	:	DECISION ON PETITION
Application No. 12/818,921	:	TO MAKE SPECIAL UNDER
Filed: June 18, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 083980-0387309 TMT-033-U	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on April 07, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

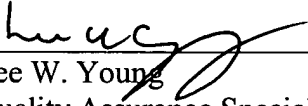
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2879 for action on the merits commensurate with this decision.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,947	06/18/2010	Gary M. Nath	30683	8921
20529 7590 08/20/2010 THE NATH LAW GROUP 112 South West Street Alexandria, VA 22314			EXAMINER TRAN, DALENA	
			ART UNIT 3664	PAPER NUMBER
			MAIL DATE 08/20/2010	DELIVERY MODE PAPER

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THE NATH LAW GROUP  
112 South West Street  
Alexandria, VA 22314

In re application of	:	
Nath et al.	:	
Application No. 12/818,947	:	<b>DECISION ON PETITION</b>
Filed: June 18, 2010	:	<b>TO MAKE SPECIAL FOR</b>
For: DEVICE FOR NAVIGATING A MOTOR	:	<b>NEW APPLICATION</b>
VEHICLE AND A METHOD OF	:	<b>UNDER 37 CFR 1.102</b>
NAVIGATING THE SAME	:	

This is a decision on the petition filed on June 18, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

#### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

##### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
- 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
- 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims is patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support

under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The petition fails to comply with conditions II.5.2 and II.6.2.

As to condition II.5.2, the petition lacks an indication of a preexamination search that encompasses all of the features of the claims. With respect to the classification search, in addition to the area already searched, the search needs to include a search of class 340, subclasses 995.1, 995.13, 995.17, 995.27, 905, 907 and 93; class 382, subclasses 104, 106, 107, 164, 170; class 701, subclasses 119, 200, 207, 231 and 215; class 455, subclasses 91, 99, 403, 456.1, 456.6; and class 342, subclasses 450, 456, 454 and 458.

With respect to the text search of the US Patents database, the petition lacks sufficiently specific search logic. Additionally, it does not appear that any search of foreign databases has been made. A search of at least the JPO, EPO and WIPO databases is required. The USPTO website has an example of the proper manner of performing and documenting a preexamination search for Accelerated Examination petitions at: <http://www.uspto.gov/web/patents/accelerated/>. Furthermore, a sample of search logic to be used in this application is provided below:

- L1 (route or destination) same (guiding or guidance or instruction or direct\$4)
- L2 current same road same (traffic or congest\$3 or jam\$4 or incident)
- L3 L1 and L2
- L4 (probe or sampling or sample) near4 vehicles
- L5 L3 and L4
- L6 (probe or sampling or sample) same vehicles
- L7 L3 and L6
- L8 (probe or sampling or sample) same vehicles same (velocity or speed or accelerate\$4 or position or location)
- L9 L7 and L8
- L10 (traffic same density) or (average\$4 near4 (velocity or speed or accelerat\$4 or distance))

- L11 (traffic near4 density) or (average\$4 near4 (velocity or speed or accelerat\$4 or distance))
- L12 L9 and L11
- L13 (predetermin\$4 or history) near4 (velocity or speed or accelerat\$4 or position\$4)
- L14 L12 and L13
- L15 (warning or alert\$4 or alarm\$4) same (congest\$4 or unnormal or unusual or accident or jam\$6)
- L16 L14 and L15
- L17 (visual same symbol) or (alarm\$4 same sound) or vibration or (voice same notifi\$5)
- L18 L16 and L17
- L19 averag\$4 near4 (velocity or speed or accelerat\$4 or distance)
- L20 L18 and L19
- L21 (display\$4 or screen\$4 or visual\$4) same (sampling or samples or probes or vehicles or mobile) same (velocity or accelerat\$4 or speed) same (zone or limit\$4 or area)
- L22 L18 and L21
- L23 (visual or display\$4) same vehicles same (color or label) same (speed near4 zone)
- L24 L12 and L23
- L25 L3 and L23
- L26 (visual or display\$4) same (color or label) same (speed same zone)
- L27 L1 and L26
- L28 (optimal or alternat\$4) near4 route
- L29 L14 and L28

This sample search logic is not meant to be the sole search logic that can or should be employed in this application, but is meant solely as an example of a starting off point for applicant's assistance. The foreign patent file databases searched are adequate, however the same text logic deficiency as outlined above appears to be present.

As to condition II.6.2, there currently is not an adequate listing of all the limitations (or portions thereof) in each of the claims that are disclosed in each of the cited references, specifying where each of the limitations (or portions thereof) are disclosed in each of the references. It is noted that there are explanations of the disclosures of the references but it is not clear if the limitations (or a portion thereof) of each claim are clearly taught by the references or not. That must be made clear.

Additionally, since it is required that the most closely related references are to be submitted with the petition, all of the references submitted on the Information Disclosure Statement are considered to be "most closely related" and need to be completely addressed in the Support Document. Thus, there currently is not an adequate listing of all the limitations (or portions thereof) in each of the claims that are disclosed in each of the cited references, specifying where each of the limitations (or portions thereof) are disclosed in each of the references. Similar detail will be needed for any additional art uncovered.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

#### DECISION

For the above stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within one (1) month or thirty (30) days, whichever is longer, from the date of this decision. No extensions of time will be granted under 37 CFR 1.136(a) if the request is to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Teri Luu at (571) 272-7045.

/Teri P. Luu/  
Teri P. Luu  
Quality Assurance Specialist  
Technology Center 3600

08/17/10



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THE NATH LAW GROUP  
112 South West Street  
Alexandria, VA 22314

In re application of  
Nath et al.  
Application No. 12/818,947  
Filed: June 18, 2010  
For: DEVICE FOR NAVIGATING A MOTOR  
VEHICLE AND A METHOD OF  
NAVIGATING THE SAME

**DECISION ON PETITION  
TO MAKE SPECIAL FOR  
NEW APPLICATION  
UNDER 37 CFR 1.102**

This is a decision on the renewed petition filed on September 20, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

A petition to make special was filed in the above-identified application under 37 CFR 1.102(d) on June 18, 2010. The petition was dismissed in a decision mailed August 20, 2010.

The reasons for dismissal were an inadequate classification search that encompasses all of the features of the claims and a text search that lack sufficiently specific search logic. Additionally, the support document was deemed to be insufficient as it lacked an adequate listing of all the limitations (or portions thereof) of each of the claims that are disclosed in each of the cited references, specifying where each of the limitations (or portions thereof) are disclosed in each of the references.

A review of the search outlined in the renewed petition reveals that the classification search is adequate. However, the text search is still deemed to be insufficient. Some of the text search string set forth in the decision were not searched by the applicant. For example, in text string L15, instead of searching "unnormal or unusual or accident or jam\$6", applicant searched "abnormal or accident or jam\$4". Since the sample search logic was not meant to be the sole search logic that can or should be used in this application, any deviation from the suggested search logic should be adequately explained. Since the term "unnormal" is not usually used, the term "abnormal" is acceptable. However, applicant has failed to adequately address why the term "unusual" was not searched or why the term "jam\$4" was searched instead of "jam\$6". Other instances of deviation from the search logic set forth in the petition decision

include L25 wherein "traffic" was searched in combination with "density" using the proximity operator "and" instead of the more broad proximity operator "near4", L21 wherein applicant searched "(velocity or accelerate\$4 or speed)" with "zone or limit\$4 or area)" using the "and" proximity operator instead of "same", and L40 wherein applicant uses the "and" proximity operator instead of "same". Furthermore, the preexamination search, in addition to setting forth the name of the file(s) searched, must also set forth the name of the database service used. Although the preexamination search indicates that the US-PGPUB, USPAT, EPO, JPO and WIPO databases were searched, applicant fails to set forth the name of the database service used as required in paragraph 8 of the "Instruction Sheet Petition to Make Special Under the Accelerated Examination" attached to Petition to Make Special Under the Accelerated Examination Program filed by the applicant on June 18, 2010.

With respect to the Support Document, the listing of claim limitations taught by the references is now seen being complete enough to be acceptable.

For the above stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for accelerated examination in this application will not be entertained.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Teri P. Luu at (571) 272-7045.

/Teri P. Luu/  
Teri P. Luu  
Quality Assurance Specialist  
Technology Center 3600

09/24/10





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In re Application of  
Gary M. Nath

Application No. 12818947

Filed: June 18, 2010

Attorney Docket No. 30683

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 05-NOV-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 10031.006410

Application Number  
(if known): 12/818,959

Filing date: 06-18-2010

First Named  
Inventor: Gabriela Bunea, et al.

Title: Module Level Solution to Solar Cell Polarization Using an Encapsulant with Opened UV Transmission Curve

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Patrick D. Benedicto, Reg. No. 40,909/

Date December 15, 2010

Name  
(Print/Typed) PATRICK D. BENEDICTO

Registration Number 40,909

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☒ \*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Docket No. 10031.006410  
December 15, 2010

Customer No. 74254

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Gabriela Bunea, et al.

Application No. 12/818,959 Examiner: unknown

Filing Date: 06/18/2010 Art Unit: 1725

Title: MODULE LEVEL SOLUTION TO SOLAR CELL POLARIZATION USING AN  
ENCAPSULANT WITH OPENED UV TRANSMISSION CURVE

---

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY  
UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Sir:

This is a petition for accelerated examination under the "Pilot Program for Green Technologies including Greenhouse Gas Reduction".

**The Basis of Eligibility for Special Status** begins on page 2 of this paper.

**Remarks on Publication Status** begin on page 3 of this paper.

I hereby certify that this correspondence is being deposited via EFS Web on the date below:

December 15, 2010

Date of Deposit

/Patrick D. Benedicto/

Signature

**Basis of Eligibility for Special Status:**

This application qualifies for special status as described in the notice “Pilot Program for Green Technologies Including Greenhouse Gas Reduction” based upon the following criteria:

- (1) The application is a non-provisional utility application filed under 35 U.S.C. 111(a).
- (2) The application contains 3 independent claims, 16 total claims, and does not contain any multiple dependent claims.
- (3) A non-final Office Action has not yet appeared in the Patent Application Information Retrieval (PAIR) system.
- (4) The claims are directed toward a single invention that materially contributes to the more efficient utilization of renewable energy resources.

**Remarks on Publication Status:**

The above-referenced application has not been published yet. By filing this petition, I hereby request early publication under 37 CFR 1.219, and the publication fee set forth in 37 CFR 1.18 (d) accompanies this request.

If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 50-2427.

Respectfully submitted,

Gabriela Bunea, et al.

Dated: December 15, 2010

By: /Patrick Benedicto/  
Patrick D. Benedicto, Reg. No. 40,909  
Okamoto & Benedicto, LLP  
1737 North 1<sup>st</sup> Street  
San Jose, CA 95112-4532  
Tel.: (408) 436-2110  
Fax: (408) 436-2114



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,959	06/18/2010	Gabriela Bunca	10031.006410	8950
74254	7590	12/22/2010	EXAMINER	
Okamoto & Benedicto LLP P.O. Box 641330 San Jose, CA 95164-1330			ART UNIT	PAPER NUMBER
			1725	
			MAIL DATE	DELIVERY MODE
			12/22/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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DEC 22 2010

Okamoto & Benedicto LLP  
P.O. Box 641330  
San Jose CA 95164-1330

In re Application of	:	
Gabriela Bunea et al.	:	DECISION ON PETITION
Application No. 12/818,959	:	TO MAKE SPECIAL UNDER
Filed: June 18, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 10031.006410	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 15, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

---

Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 91973-787797 (000130US) Application Number (if known): 12/818,984 Filing date: June 18, 2010

First Named Inventor: FREDERICK M. ESPIAU

Title: ELECTRODELESS LAMPS WITH GROUNDED COUPLING ELEMENTS

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Dah-Bin Kao/ Date September 29, 2011

Name (Print/Typed) Dah-Bin Kao Registration Number 53,092

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

FREDERICK M. ESPIAU *et al.*

Application No.: 12/818,984

Filed: June 18, 2010

For: ELECTRODELESS LAMPS  
WITH GROUNDED COUPLING  
ELEMENTS

Customer No.: 20350

Confirmation No.: 9011

Examiner: Unassigned

Art Unit: 2821

**PETITION TO MAKE SPECIAL  
UNDER THE GREEN TECHNOLOGY  
PILOT PROGRAM**

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

Applicant hereby requests to participate in the Green Technology Pilot Program for the above-identified application.

Since this application was already published on December 23, 2010, it is believed that there is no need to request early publication under 37 CFR 1.219 nor pay the publication fee set forth in 37 CFR 1.18(d). However, if the Office determines that another publication is necessary, the Commissioner is hereby authorized to charge Deposit Account No. 20-1430 for the required amount.

By filing this petition, Applicants agree to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and the classification requirement set forth in the Federal Register notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction"

that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.

**STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT**

The basis for the special status is that the invention claimed in the above-identified patent application materially contributes to the development of more efficient utilization and conservation of energy resources. The claimed invention relates generally to devices and methods for generating light with plasma lamps. More particularly, the present invention provides a plasma lamp driven by a radio-frequency source without the use of electrodes inside the bulb. Such plasma lamps can be applied to lighting applications for stadiums, parking lots, military and defense, streets, buildings, vehicle headlamps, aircraft landing lights, bridges, uv water treatment, agriculture, architectural lighting, stage lighting, medical illumination, microscopes, projectors and displays, as well as other uses.

Benefits are achieved over pre-existing techniques using the present invention. The claimed lamp is compact and can be configured inside conventional luminaires, such as luminaires used for street lighting and parking lot lighting. Furthermore, the lamp can be configured to have an exposed arc to allow use of conventional optical components, such as aluminum reflectors. The present lamp can also be manufactured more efficiently and at lower cost than the conventional dielectric resonators. That is, the electrodeless lamp with grounded coupling elements is significantly lower in cost and simpler to manufacture since it does not require precise control of the depth of probes. Furthermore, the lamp can have improved consistency in brightness yield and more efficient use of energy.

A preliminary amendment is filed herewith to reduce the number of outstanding claims to no more than three (3) independent claims and twenty (20) total claims.

Moreover, the application does not contain any multiple dependent claims.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400. Further, the Commissioner is hereby authorized to charge any required fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

Respectfully submitted,

/Dah-Bin Kao/

Dah-Bin Kao  
Reg. No. 53,092

KILPATRICK TOWNSEND & STOCKTON LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: (415) 576-0300  
DBK:dbk  
63749361 v1



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,984	06/18/2010	Frederick M. Espiau	91973-787797 (000130US)	9011
20350 7590 10/31/2011 KILPATRICK TOWNSEND & STOCKTON LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER ALEMU, EPHREM	
			ART UNIT 2821	PAPER NUMBER
			NOTIFICATION DATE 10/31/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com  
ipefiling@kilpatricktownsend.com  
jlhice@kilpatrick.foundationip.com



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KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834

In re Application of	:	
ESPIAU, <i>et al.</i>	:	DECISION ON PETITION
Application No. 12/818984	:	TO MAKE SPECIAL UNDER
Filed: June 18, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 91973-787797 (000130US)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on September 29, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a non-provisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to



make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The petition alleges that the claimed invention contributes to more efficient utilization and conservation of energy resources. The claims are generally directed to a plasma lamp comprising an RF source, dielectric fill material and a bulb. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to more efficient utilization and conservation of energy resources. Any argument that the claimed invention can be used to provide more efficient utilization of energy resources is considered speculation as to how a hypothetical end-user might specially apply the claimed invention. The mere prediction of improved manufacturability and design flexibility does not appear to result in more efficient utilization or conservation of energy resources.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

The application is being forwarded to the appropriate Technology Center Art Unit for action in its regular turn.

/ Michael Day /

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Michael Day  
Quality Assurance Specialist  
Technology Center 2800

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

FREDERICK M. ESPIAU *et al.*

Application No.: 12/818,984

Filed: June 18, 2010

For: ELECTRODELESS LAMPS  
WITH GROUNDED COUPLING  
ELEMENTS

Customer No.: 20350

Confirmation No.: 9011

Examiner: Unassigned

Art Unit: 2821

**REQUEST FOR RECONSIDERATION  
OF DECISION ON PETITION TO  
MAKE SPECIAL UNDER THE  
GREEN TECHNOLOGY PILOT  
PROGRAM**

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

The Decision mailed on October 31, 2011 dismissed Applicants' Petition to Make Special Under the Green Technology Pilot Program submitted on September 29, 2011. The Decision states that the originally-filed Petition satisfies all requirements under the Pilot program, with the exception that that Applicants' statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. Specifically, the Decision indicates that it is not readily apparent how the claimed invention results in more efficient utilization of energy resources (which is item Bii of the requirement cited in the Decisions).

Applicants respectfully request reconsideration because the claimed invention relates to plasma lamps that are known in the art to be more energy efficient than conventional lamps, thereby contributes to more efficient utilization of energy resources. See, for example, the Wikipedia article on Plasma Lamp

([http://en.wikipedia.org/wiki/Plasma\\_lamp](http://en.wikipedia.org/wiki/Plasma_lamp)), a portion of which is reproduced below for easy reference.

**“High-efficiency plasma lighting is the class of plasma lamps that have system efficiencies of 90 lumens per watt or more. Lamps in this class are potentially the most energy-efficient light source** for outdoor, commercial and industrial lighting. This is due not only to their high system efficiency but also to the small light source they present enabling very high luminaire efficiency.

Luminaire Efficacy Rating (LER) is the single figure of merit the National Electrical Manufacturers Association has defined to help address problems with lighting manufacturers' efficiency claims [5] and is designed to allow robust comparison between lighting types. . . .

**Many modern plasma lamps, . . . have very small light sources—far smaller than HID bulbs or fluorescent tubes—leading to much higher luminaire efficiencies** also. High intensity discharge lamps have typical luminaire efficiencies of 55%, and fluorescent lamps of 70%. **Plasma lamps typically have luminaire efficiencies exceeding 90%.”**

Applicants submit that the claimed invention provides devices and methods for improving plasma lamps, thereby contributes to more efficient utilization of energy resources. Therefore, the claimed invention satisfies item Bii of the requirements cited in the Decisions. According, Applicants believe that the petition is grantable and respectfully request reconsideration of the petition.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400. Further, the Commissioner is hereby authorized to charge any required fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

Respectfully submitted,

/Dah-Bin Kao/

Dah-Bin Kao, Reg. No. 53,092

KILPATRICK TOWNSEND & STOCKTON LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: (415) 576-0300  
DBK:dbk  
63856193 v1



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/818,984	06/18/2010	Frederick M. Espiau	91973-787797 (000130US)	9011
20350 7590 12/12/2011 KILPATRICK TOWNSEND & STOCKTON LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER ALEMU, EPHREM	
			ART UNIT 2821	PAPER NUMBER
			NOTIFICATION DATE 12/12/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com  
ipefiling@kilpatricktownsend.com  
jlhice@kilpatrick.foundationip.com



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United States Patent and Trademark Office  
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KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834

12/12/11

In re Application of	:	
Frederick M. Espiau et al.	:	DECISION ON PETITION
Application No. 12/818,984	:	TO MAKE SPECIAL UNDER
Filed: June 18, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 91973-787797 (000130US)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 30, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

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Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



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REED SMITH LLP  
P.O. BOX 488  
PITTSBURGH PA 15230-0488

**MAILED**  
**MAR 09 2012**  
**OFFICE OF PETITIONS**

In re Application of	:	
WISER, et al	:	
Application No. 12/819,001	:	DECISION ON PETITION
Filed: June 18, 2010	:	TO WITHDRAW
Attorney Docket No. 361912.05022 (09-023-USC)	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed February 6, 2012.

The request is **NOT APPROVED**.

A review of the file record indicates that Marc S. Kaufman, does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The Office will not approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: SEZMI CORPORATION  
1301 SHOREWAY ROAD, SUITE 310  
BELMONT CA 94002



# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/819,016	06/18/2010	Yohei ENYA	87136-288495	9077
26694	7590	11/08/2010		
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			EXAMINER KIM, JAY C	
			ART UNIT 2815	PAPER NUMBER
			MAIL DATE 11/08/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**VENABLE LLP  
P.O. BOX 34385  
WASHINGTON DC 20043-9998**

**In re Application of  
ENYA et al**

**Application No.: 12/819,016**

**Filed: 18 June 2010**

**Attorney Docket No.: 87136-288495**

**For: GAN SEMICONDUCTOR  
OPTICAL ELEMENT, METHOD FOR  
MANUFACTURING GAN  
SEMICONDUCTOR OPTICAL  
ELEMENT, EPITAXIAL WAFER AND  
METHOD FOR GROWING GAN  
SEMICONDUCTOR FILM**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 20 September 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

- a. a Paris Convention application which either
  - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
- b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
  - i. validly claims priority to an application filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim, or
- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application

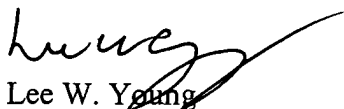
- i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.



Lee W. Young

TQAS

Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Intervet/Schering-Plough Animal Health  
Patent Dept. K-6-1, 1990  
2000 Galloping Hill Road  
Kenilworth NJ 07033-0530

**MAILED**  
**AUG 02 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
M.C.W. Van Hulten :  
Application No. 12/819,033 : **DECISION ON PETITION**  
Filed: June 18, 2010 :  
Attorney Docket No. 9.484 US D1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 15, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 27, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 28, 2010. The Notice of Abandonment was mailed June 23, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1645 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/819,038	Filing date:	June 18, 2010
First Named Inventor:	Bruce D. D'Ambrosio		
Title of the Invention:	Dynamic Webpage Generation Including Request-Time Auctioned Web Content		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFW/EFW\\_HELP.HTML](http://www.uspto.gov/efw/efs_help.html)

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US10/39384

The international filing date of the corresponding PCT application(s) is/are: June 21, 2010

## I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)



Is attached.



Is not attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).



Is attached.



Is not attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: 12/819,038

First Named Inventor: Bruce D. D'Ambrosio

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.



Is attached



Has already been filed in the above-identified U.S. application on \_\_\_\_\_

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)



Are attached.



Have already been filed in the above-identified U.S. application on \_\_\_\_\_

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Claims are identical
2, 3	2	PCT 2 is an "or" merger of US 2 and 3, and is broader than each of US 2 and 3
4	3	Claims are identical
5, 6	3	US 5 and 6 are PCT 3 with additional narrowing language
7-9	4-6	US 7-9 are respectively identical to PCT claims 4-6
10, 11	5	US 10 and 11 are PCT 5 with additional narrowing language
12	7	Claims are identical
13-15	8	PCT 8 is an "or" merger of US 13-15 and is broader than each
16	9	Claims are identical
17	7	US 17 is PCT 7 with an additional narrowing language
18, 19	1	US 18 and 19 are PCT 1 with additional narrowing language
20-22	10-12	Claims are respectively identical
23, 24	10	US 23 and 24 are PCT 10 with additional narrowing language
25, 26	13, 14	Claims are respectively identical
27	13	US 27 is PCT 13 with additional narrowing language
28-32	1, 3, 5-7	US 28-32 are PCT 1, 3, and 5-7, resp., with different format and additional language
33, 34	1	US 33 and 34 are PCT 1 with different format and additional language
35, 37, 40	10, 11	US 35, 37, and 40 are PCT 10-12 with different format
38, 39	10	US 38 and 39 are PCT with different format and additional language

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature /Ryan C. Fox/	Date April 5, 2011
Name (Print/Typed) Ryan C. Fox	Registration Number 65369

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

## PATENT COOPERATION TREATY

P003 PCT ATA/PCF/ARJ

From the INTERNATIONAL SEARCHING AUTHORITY

To:

FOX RYAN C

SCHWABE, WILLIAMSON & WYATT, P.C. US BANK  
CENTRE 1420 5TH AVENUE, SUITE 3400 SEATTLE WA  
98101 USA

PCT

**NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION**

(PCT Rule 44.1)

Date of mailing  
(day/month/year) 07 FEBRUARY 2011 (07.02.2011)

Applicant's or agent's file reference

121775-176289

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.

PCT/US2010/039384

International filing date  
(day/month/year)

21 JUNE 2010 (21.06.2010)

Applicant

DIGITALSCIROCCO, INC. et al

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.  
**Filing of amendments and statement under Article 19:**  
The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):  
**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.  
**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70  
**For more detailed instructions, see PCT Applicant's Guide, International Phase, paragraphs 9.004 - 9.011.**
2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:  
☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.  
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

## 4. Reminders

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.  
In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR



Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro,  
Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

COMMISSIONER

Telephone No. 82-42-481-8755



Form PCT/ISA/220 (July 2010)

Schwabe, Williamson & Wyatt  
LLC / ECD /  
Opened / Scanned / Docketed

**\* Attention**

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => PCT Services => PCT Services

ID : PCT international application number  
PW : **NH9MWZTM**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>  
Email: [ipkc@ipkcenter.com](mailto:ipkc@ipkcenter.com)  
Phone: +1 703 388 1066  
Fax: +1 703 388 1084



## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 121775-176289	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. <b>PCT/US2010/039384</b>	International filing date (day/month/year) <b>21 JUNE 2010 (21.06.2010)</b>	(Earliest) Priority Date (day/month/year) 22 JUNE 2009 (22.06.2009)
Applicant <b>DIGITALSCIROCCO, INC. et al</b>		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

- b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).  
 c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant.  
☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant.  
☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 1  
☒ as suggested by the applicant.  
☐ as selected by this Authority, because the applicant failed to suggest a figure.  
☐ as selected by this Authority, because this figure better characterizes the invention.  
 b. ☐ none of the figure is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No.  
**PCT/US2010/039384****A. CLASSIFICATION OF SUBJECT MATTER****G06Q 30/00(2006.01)i**

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

G06Q 30/00; G06F 15/00; G06F 17/30; G06Q 40/00; H04W 8/24

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models

Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) &amp; Keywords: webpage, content, auction

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	KR 10-2005-0063886 A (HANARODREAM, INC.) 29 June 2005 See abstract, pages 4-6, claim 1 and figure 4.	1-24
A	US 2005-0131918 A1 (HILLIS, W. D. et al.) 16 June 2005 See abstract and claims 1, 10.	1-24
A	KR 10-2008-0095429 A (KTFREETEL CO., LTD.) 29 October 2008 See abstract, pages 5-6 and claim 1.	1-24
A	US 2002-0065851 A1 (WATSON, E. C. et al.) 30 May 2002 See abstract, paragraphs [0009]-[0010].	1-24

☐ Further documents are listed in the continuation of Box C.☒ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search

26 JANUARY 2011 (26.01.2011)

Date of mailing of the international search report

**07 FEBRUARY 2011 (07.02.2011)**

Name and mailing address of the ISA/KR

Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro, Seo-  
gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

HONG, Kyoung hee

Telephone No. 82-42-481-5781



**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

**PCT/US2010/039384**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
KR 10-2005-0063886 A	29.06.2005	None	
US 2005-0131918 A1	16.06.2005	None	
KR 10-2008-0095429 A	29.10.2008	None	
US 2002-0065851 A1	30.05.2002	AU 2001-94746 A1 WO 02-27558 A1	08.04.2002 04.04.2002

PCT/US2010/039384

## PATENT COOPERATION TREATY

P003PCT ATA/ACF/AKD

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

FOX RYAN C

SCHWABE, WILLIAMSON & WYATT, P.C. US BANK  
CENTRE 1420 5TH AVENUE, SUITE 3400 SEATTLE WA  
98101 USA

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) 07 FEBRUARY 2011 (07.02.2011)Applicant's or agent's file reference  
121775-176289FOR FURTHER ACTION  
See paragraph 2 belowInternational application No.  
**PCT/US2010/039384**International filing date (day/month/year)  
**21 JUNE 2010 (21.06.2010)**Priority date(day/month/year)  
22 JUNE 2009 (22.06.2009)

International Patent Classification (IPC) or both national classification and IPC

**G06Q 30/00(2006.01)i**

Applicant

**DIGITALSCIROCCO, INC. et al**

## 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

RECEIVED

FEB 15 2011

Schwabe, Williamson &amp; Wyatt

KIM, ECA /  
Registered / Searched / Docketed

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

## 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR  
Korean Intellectual Property Office  
Government Complex-Daejeon, 139  
Seonsa-ro, Seo-gu, Daejeon 302  
-701, Republic of Korea  
Facsimile No. 82-42-472-7140

Date of completion of this opinion  
26 JANUARY 2011 (26.01.2011)

Authorized officer  
HONG, Kyoung hee  
Telephone No.82-42-481-5781



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/039384**

**Box No. I Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:

a. a sequence listing filed or furnished

- ☐ on paper
- ☐ in electronic form

b. time of filing or furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2010/039384**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-24	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-24	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-24	YES
	Claims	NONE	NO

**2. Citations and explanations :**

Reference is made to the following documents:

D1: KR 10-2005-0063886 A (HANARODREAM, INC.) 29 June 2005  
D2: US 2005-0131918 A1 (HILLIS, W. D. et al.) 16 June 2005  
D3: KR 10-2008-0095429 A (KTFREETEL CO., LTD.) 29 October 2008  
D4: US 2002-0065851 A1 (WATSON, E. C. et al.) 30 May 2002

**1. Novelty and Inventive Step**

**1.1 Claims 1-9**

Claim 1 differs from the prior art documents D1-D4 in that none of the documents discloses the features of receiving in real time from an auction service one or more pieces of content, links to the content, or identities of the content that are authorized to be included in offered space on a webpage and provided as a result of a content auction conducted in real time in response to a dissemination of one or more offers of the space on the webpage to contain the content made in response to a request for a webpage. In addition, it is not obvious to a person skilled in the art by the documents above, taken alone or in combination. Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with regard to novelty and an inventive step.

Claims 2-9 are dependent on claim 1. Accordingly, claims 2-9 are considered to be novel and involve an inventive step under PCT Article 33(2) and (3).

**1.2 Claims 10-12**

Claim 10 differs from the prior art documents D1-D4 in that any of the documents does not suggest the features of receiving one or more bids respectively associated with one or more pieces of content to place onto one or more webpages, receiving an offer of space on a webpage provided in response to a request for the webpage, matching a bid to the offer to determine winning piece of content for the webpage. In addition, it is not obvious to a person skilled in the art by the documents above, taken alone or in combination. Therefore, claim 10 is considered to be new and involve an inventive step under PCT Article 33(2) and (3).

Claims 11-12 are dependent on claim 10. Accordingly, claims 11-12 are considered to be novel and involve an inventive step under PCT Article 33(2) and (3).

- Continued on the Supplemental Box -

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2010/039384**

**Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claim 22 is dependent on claim 13 and refers to the webpage offer acceptor. However, the webpage has not been worded in claim 13.
2. Claim 23 dependent on claim 13 is worded in reference to the willingness-to-pay generator, but said willingness-to-pay generator has not been described in claim 13.
3. Claim 24 dependent on claim 13 refers to the one or more willingness-to-pay functions. However, said one or more willingness-to-pay functions has not been found in claim 13.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/039384**

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.  
Continuation of:

Box No. V

**1.3 Claims 13-14, 22-24**

Claim 13 relates to a system for generating a webpage containing auctioned content and the subject matter of claim 13 is substantially the same as that of claim 10. Therefore, claim 13 meets the requirements of PCT Article 33(2) and (3) with regard to novelty and an inventive step.

Claims 14, 22-24 are dependent on claim 13. Consequently, claims 14, 22-24 are also considered to be novel and involve an inventive step under PCT Article 33(2) and (3).

**1.4 Claims 15-20**

Claim 15 differs from the prior art documents D1-D4 in that any of the documents does not teach the features of receiving one or more bids to supply content for one or more offers for the space for one or more online composite content wherein the one or more bids and one or more offers have respective associated sets of attributes, generating respective numerically-valued evaluations of the one or more bids and one or more offers on the respective sets of attributes, and matching at least one bid and at least one offer according to the quantified evaluations. In addition, it is not obvious to a person skilled in the art by the documents above, taken alone or in combination. Therefore, claim 15 is considered to be new and involve an inventive step under PCT Article 33(2) and (3).

Claims 16-20 are dependent on claim 15. Therefore, claims 16-20 meet the requirements of PCT Article 33(2) and (3) with regard to novelty and an inventive step.

**1.5 Claim 21**

Claim 21 differs from the prior art documents D1-D4 in that none of the documents describes the features of a bid acceptor to accept one or more bids respectively associated with one or more pieces of content to place onto one or more webpages, the one or more bids at least in part including non-price attribute, a webpage offer acceptor to accept one or more offers of space on one or more webpages, a willingness-to-pay generator to generate one or more functions which qualifies a willingness to pay measure for evaluating the bids and offers, and a web content auction resolver to evaluate the willingness-to-pay functions and match the bids and offers according to the evaluating. In addition, it is not obvious to a person skilled in the art by the documents above, taken alone or in combination. Therefore, claim 21 is considered to be new and involve an inventive step under PCT Article 33(2) and (3).

**2. Industrial Applicability**

Claims 1-24 are industrially applicable and meet the requirements of PCT Article 33(4).



**Request for Participation in KIPO/USPTO PCT-PPH Program**  
**U.S. App. No. 12/819,038**  
**Copy of Claims Filed in PCT/US10/39384**

All claims found to have novelty, inventive step, and industrial applicability

1. A computer-implemented method for generating a webpage, comprising:  
receiving in real time from an auction service, by a computing device, one or more pieces of content, links to the content or identities of the content, that are authorized to be included in offered space on a webpage, wherein the one or more pieces of content, links to the content or identities of the content are provided by the auction service as a result of a content auction conducted in real time in response to a dissemination of one or more offers of space on the webpage to contain content, wherein the dissemination is made in real time in response to a request for the webpage; and  
generating, by the computing device, the webpage containing some or all of the one or more authorized pieces of content for response to the request for the webpage.
2. The method of claim 1, wherein receiving in real time from an auction service, by a computing device, one or more pieces of content comprises receiving advertising or editorial content.
3. The method of claim 1, further comprising disseminating in real time, by the computing device, the one or more offers of space on the webpage to contain content, in response to a request for the webpage.
4. The method of claim 1, wherein receiving one or more pieces of content or links to the content comprises receiving responsive bids for the offered space from an online content auction service.
5. The method of claim 1, further comprising receiving, by the computing device from the auction service, one or more links to services or identities of services to be performed for the webpage.
6. The method of claim 5, wherein generating the webpage comprises utilizing one or more services which are linked to or identified to provide services for the webpage.

7. The method of claim 1, wherein the one or more offers of space comprise non-price information.
8. The method of claim 7, wherein the non-price information comprises visitor information, performance metrics, or domain or content information associated with the webpage or a website to which the webpage is associated.
9. The method of claim 7, wherein non-price information comprises probability information about future content performance predictions associated with the webpage or a website to which the webpage is associated.
10. A method for facilitating generation of a webpage, comprising:
  - receiving, at a computing device, one or more bids respectively associated with one or more pieces of content to place the one or more pieces of content onto one or more webpages having space for bid for placement of content;
  - receiving, in real time at the computing device, an offer of space on a webpage, the webpage provided in real time in response to a request for the webpage;
  - matching in real time, at the computing device, a bid to the offer to determine a winning piece of content for the webpage; and
  - authorizing in real time, at the computing device, the winning piece of content for one or more instances of inclusion in the to be generated webpage.
11. The method of claim 10, wherein receiving one or more bids comprises receiving at least one of the one or more bids having non-price information.
12. The method of claim 10, further comprising:
  - receiving, at the computing device, one or more service bids for web services to be performed for one or more webpages;
  - matching in real time, at the computing device, a service bid to the offer to determine a winning web service for the webpage; and
  - authorizing, at the computing device, the winning web service for one or more instances of inclusion in the to be generated webpage.
13. A system for generating a webpage containing auctioned content, comprising:

one or more computer processors;

a bid acceptor configured to, in response to operation by the one or more computer processors, accept one or more bids respectively associated with one or more pieces of content to place the one or more pieces of content onto one or more webpages having space for bid for placement of content;

a webpage space offer acceptor configured to, in response to operation by the one or more computer processors, accept, in real time, an offer of space on a webpage, the webpage provided in real time in response to a request for the webpage; and

a web content auction resolver configured to, in response to operation by the one or more computer processors:

- match, in real time, a matched bid to the offer; and
- authorize, in real time, a piece of content associated with a matched bid for one or more instances of inclusion in the to be generated webpage associated with the offer.

14. The system of claim 13, wherein the web content auction resolver is configured to, in response to operation by the one or more computer processors, match bids and offers according to non-price information.

15. A computer-implemented method for matching bids to supply content for online composite content with offers for space for one or more online composite content in an auction, the method comprising:

- receiving, by a computing device, one or more bids to supply content for the online composite content and one or more offers for space for one or more online composite content, wherein the one or more bids and one or more offers have respective associated sets of attributes;

- generating, by the computing device, respective numerically-valued evaluations of the one or more bids and one or more offers based on the respective sets of attributes;

- matching, by the computing device, at least one bid and at least one offer according to the quantified evaluations; and

- outputting, by the computing device, the matched offers and bids.

16. The method of claim 15, wherein the online composite content comprises a webpage.
17. The method of claim 16, wherein generating respective quantified evaluations comprises, for a bid or offer:
- generating, by the computing device, a function which quantifies a willingness to pay measure; and
  - evaluating, by the computing device, the function over each of the respective sets of attributes.
18. The method of claim 17, wherein generating respective quantified evaluations further comprises, for a respective bid or offer, combining a valuation obtained from evaluating the function for that bid or offer with an asked-for price.
19. The method of claim 17, wherein evaluating the function over each of the respective sets of attributes comprises evaluating the function over one or more non-quantitative attributes.
20. The method of claim 15, wherein,
- the method further comprises identifying, by the computing device, statistics relating to past performance of an agent;
  - at least one bid or at least one offer comprises one or more probability distributions for future performance of an agent; and
  - generating, by the computing device, respective quantified evaluations comprises performing an evaluation over the one or more probability distributions.
21. A system for performing multi-attribute auctions, the system comprising:
- one or more computer processors;
  - a bid acceptor configured to, in response to operation by the one or more computer processors, accept one or more bids respectively associated with one or more pieces of content to place the pieces of content onto one or more webpages, the one or more bids at least in part including non-price attributes;
  - a webpage offer acceptor configured to, in response to operation by the one or

more computer processors, accept one or more offers of space on one or more webpages, the one or more offers at least in part including non-price attributes;

a willingness-to-pay generator configured to, in response to operation by the one or more computer processors, generate one or more functions which quantify a willingness to pay measure for evaluating the accepted bids and offers; and

a web content auction resolver configured to, in response to operation by the one or more computer processors:

evaluate the one or more willingness-to-pay functions over the accepted bids and offers;

match at least one bid and at least one offer which match at least in part according to the evaluating; and

output the matching at least one offer and at least one bid.

22. The system of claim 13, further comprising a provider statistics publisher configured to, in response to operation by the one or more computer processors, publish statistics relating to past performance of one or more agents; and

wherein the webpage offer acceptor is further configured to, in response to operation by the one or more computer processors, accept offers which comprise one or more probability distributions for future performance of the one or more agents.

23. The system of claim 13, wherein the willingness-to-pay generator is configured to generate willingness-to-pay functions for individual website providers or content creators.

24. The system of claim 13, wherein the web content auction resolver is further configured to add valuations obtained through evaluating the one or more willingness-to-pay functions to prices included in the bids and offers.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/819,038	06/18/2010	Bruce D. D'Ambrosio	121775-174370	9137
60172 7590 06/27/2011 SCHWABE, WILLIAMSON & WYATT, P.C. 1420 FIFTH AVENUE, SUITE 3400 SEATTLE, WA 98101-4010				
EXAMINER ALLEN, WILLIAM J				
ART UNIT 3625		PAPER NUMBER		
MAIL DATE 06/27/2011		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 27 2011

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SCHWABE, WILLIAMSON & WYATT, P.C.  
1420 FIFTH AVENUE, SUITE 3400  
SEATTLE WA 98101-4010

In re application of:	:	<b>DECISION ON REQUEST TO</b>
D'Ambrosio, Bruce D., et al	:	<b>PARTICIPATE IN PATENT</b>
Application No.: 12/819,038	:	<b>PROSECUTION HIGHWAY</b>
Filed: June 18, 2010	:	<b>PROGRAM AND PETITION</b>
For: DYNAMIC WEBPAGE GENERATION	:	<b>TO MAKE SPECIAL UNDER</b>
INCLUDING REQUEST-TIME	:	<b>37 C.F.R. 1.102(d)</b>
AUCTIONED WEB CONTENT	:	

This is a decision on the request to participate in the pilot Patent Prosecution Highway (PPH) program between the USPTO and the KIPO based on PCT treaty work products and the petition under 37 C.F.R. § 1.102(d), filed April 5, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in this PPH pilot program and petition to make special require (see 1355 OG 319):

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following requirements:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) through (d) scenarios.

2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely, the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

(3) Claim Correspondence:

(a) All of the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and be free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(b) Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format requirements, the claims in the U.S. application are of the same or similar scope as the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application, or the claims in the U.S. application are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(c) In this regard, a claim that is narrower in scope occurs when a claim indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application is amended to be further limited by an additional feature that is supported in the written description of the U.S. application. The claim(s) with the narrower scope must be written in dependent form in the U.S. application for which participation in the PCT-PPH pilot program is requested.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must file a request for participation in the PCT-PPH pilot program and a request that the U.S. application be advanced out of turn for examination by order of the Director to expedite the business of the Office under 37 CFR 1.102(a).



(6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language. A statement that the English translation is accurate is not required. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. Where the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above, applicant need not submit a copy of the latest international work product along with an English translation thereof since a copy of these documents is already contained in the file wrapper of the U.S. application.

(7) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(8) Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

(9) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application corresponding to the U.S. application for which participation in the PCT-PPH pilot program is requested (unless such an IDS has already been filed in the U.S. application, in which case applicant may simply refer to the previously filed

IDS and indicate in the request for participation in the PCT-PPH pilot program when the IDS was previously filed in the U.S. application). Applicant must submit copies of all the documents cited in the international work products of the PCT application corresponding to the U.S. application (unless the copies have already been filed in the U.S. application, in which case applicant may simply refer to the previously filed copies of the documents and indicate in the request for participation in the PCT-PPH pilot program when the copies were previously filed in the U.S. application) except U.S. patents or U.S. patent application publications.

(10) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy."

In light of the petition and supporting documents filed April 5, 2011, the request to participate in the PPH program complies with the above requirements and the above identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

All other queries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system or the examiner of record in the application.



Robert Weinhardt  
Business Practice Specialist  
Technology Center 3600

RW/6/24/11

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/819,044	Filing date:	June 18, 2010
First Named Inventor:	Bruce D. D'Ambrosio		

Title of the  
Invention: **MULTI-ATTRIBUTE WEB CONTENT AUCTIONS**

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE  
SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT  
HTTP://WWW.USPTO.GOV/EBC/EFSS\_HELP.HTML**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE  
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT  
application number(s) is/are: **PCT/US10/39384**

The international filing date of the corresponding  
PCT application(s) is/are: **June 21, 2010**

## I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified  
corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the  
above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English  
language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: 12/819,044

First Named Inventor: Bruce D. D'Ambrosio

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.



Is attached



Has already been filed in the above-identified U.S. application on \_\_\_\_\_

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)



Are attached.



Have already been filed in the above-identified U.S. application on \_\_\_\_\_

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-3	15-17	US 1-3 are respectively identical to PCT 15-17
4	17	US 4 is PCT 17 with additional narrowing language
5, 6	18, 19	US 5 and 6 are respectively identical to PCT 18 and 19
7, 8	15	US 7 and 8 are PCT 15 with additional narrowing language
9	20	US 9 is identical to PCT 20
11	20	US 11 is PCT 20 with additional narrowing language
12-16	15	US 12-16 are PCT 15 with additional narrowing language
17	21	US 17 is identical to PCT 21
18	21	US 18 is PCT 21 with additional narrowing language
19-21	22-24	US 19-21 are identical to PCT 22-24
24	15	US 24 is identical to PCT 15 with a different format
25	20	US 24 is identical to PCT 20 with a different format

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature /Ryan C. Fox/	Date April 5, 2011
Name (Print/Typed) Ryan C. Fox	Registration Number 65369

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

## PATENT COOPERATION TREATY

P003ACT ATA/ACF/ARQ

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

To: FOX RYAN C  SCHWABE, WILLIAMSON & WYATT, P.C. US BANK CENTRE 1420 5TH AVENUE, SUITE 3400 SEATTLE WA 98101 USA		Date of mailing (day/month/year) 07 FEBRUARY 2011 (07.02.2011)
Applicant's or agent's file reference 121775-176289	FOR FURTHER ACTION See paragraphs 1 and 4 below	
International application No. <b>PCT/US2010/039384</b>	International filing date (day/month/year) <b>21 JUNE 2010 (21.06.2010)</b>	
Applicant <b>DIGITALSCIROCCO, INC. et al</b>		

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.  
**Filing of amendments and statement under Article 19:**  
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):  
**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.  
**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70  
**For more detailed instructions, see PCT Applicant's Guide, International Phase, paragraphs 9.004 - 9.011.**
2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:**  
☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.  
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

## 4. Reminders

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR



Korean Intellectual Property Office  
 Government Complex-Daejeon, 139 Seonsa-ro,  
 Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

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Telephone No. 82-42-481-8755



Form PCT/ISA/220 (July 2010)

Schwabe, Williamson & Wyatt  
 JLL/ECG/  
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**\* Attention**

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => PCT Services => PCT Services

ID : PCT international application number  
PW : **NH9MWZTM**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>  
Email: [ipkc@ipkcenter.com](mailto:ipkc@ipkcenter.com)  
Phone: +1 703 388 1066  
Fax: +1 703 388 1084

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 121775-176289	<b>FOR FURTHER ACTION</b> <span style="float: right;">see Form PCT/ISA/220 as well as, where applicable, item 5 below.</span>	
International application No. <b>PCT/US2010/039384</b>	International filing date ( <i>day/month/year</i> ) <b>21 JUNE 2010 (21.06.2010)</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) 22 JUNE 2009 (22.06.2009)
Applicant <b>DIGITALSCIROCCO, INC. et al</b>		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant.  
☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant.  
☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 1  
☒ as suggested by the applicant.  
☐ as selected by this Authority, because the applicant failed to suggest a figure.  
☐ as selected by this Authority, because this figure better characterizes the invention.  
b. ☐ none of the figure is to be published with the abstract.



## INTERNATIONAL SEARCH REPORT

International application No.  
**PCT/US2010/039384****A. CLASSIFICATION OF SUBJECT MATTER****G06Q 30/00(2006.01)i**

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

G06Q 30/00; G06F 15/00; G06F 17/30; G06Q 40/00; H04W 8/24

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models

Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) &amp; Keywords: webpage, content, auction

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	KR 10-2005-0063886 A (HANARODREAM, INC.) 29 June 2005 See abstract, pages 4-6, claim 1 and figure 4.	1-24
A	US 2005-0131918 A1 (HILLIS, W. D. et al.) 16 June 2005 See abstract and claims 1, 10.	1-24
A	KR 10-2008-0095429 A (KTFREETEL CO., LTD.) 29 October 2008 See abstract, pages 5-6 and claim 1.	1-24
A	US 2002-0065851 A1 (WATSON, E. C. et al.) 30 May 2002 See abstract, paragraphs [0009]-[0010].	1-24



Further documents are listed in the continuation of Box C.



See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search

26 JANUARY 2011 (26.01.2011)

Date of mailing of the international search report

**07 FEBRUARY 2011 (07.02.2011)**

Name and mailing address of the ISA/KR

Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

HONG, Kyoung hee

Telephone No. 82-42-481-5781



**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

**PCT/US2010/039384**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
KR 10-2005-0063886 A	29.06.2005	None	
US 2005-0131918 A1	16.06.2005	None	
KR 10-2008-0095429 A	29.10.2008	None	
US 2002-0065851 A1	30.05.2002	AU 2001-94746 A1 WO 02-27558 A1	08.04.2002 04.04.2002

PCT/US2010/039384

## PATENT COOPERATION TREATY

P003PCT ATA/ACF/AKD

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

FOX RYAN C

SCHWABE, WILLIAMSON & WYATT, P.C. US BANK  
CENTRE 1420 5TH AVENUE, SUITE 3400 SEATTLE WA  
98101 USA

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) 07 FEBRUARY 2011 (07.02.2011)

Applicant's or agent's file reference

121775-176289

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US2010/039384

International filing date (day/month/year)

21 JUNE 2010 (21.06.2010)

Priority date(day/month/year)

22 JUNE 2009 (22.06.2009)

International Patent Classification (IPC) or both national classification and IPC

G06Q 30/00(2006.01)i

Applicant

DIGITALSCIROCCO, INC. et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

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FEB 15 2011

Schwabe, Williamson &amp; Wyatt

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## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR  
Korean Intellectual Property Office  
Government Complex-Daejeon, 139  
Seonsa-ro, Seo-gu, Daejeon 302  
-701, Republic of Korea  
Facsimile No. 82-42-472-7140

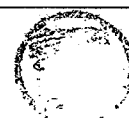
Date of completion of this opinion

26 JANUARY 2011 (26.01.2011)

Authorized officer

HONG, Kyoung hee

Telephone No.82-42-481-5781



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2010/039384**

**Box No. I Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:

a. a sequence listing filed or furnished

- ☐ on paper
- ☐ in electronic form

b. time of filing or furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2010/039384**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-24	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-24	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-24	YES
	Claims	NONE	NO

**2. Citations and explanations :**

Reference is made to the following documents:

D1: KR 10-2005-0063886 A (HANARODREAM, INC.) 29 June 2005  
D2: US 2005-0131918 A1 (HILLIS, W. D. et al.) 16 June 2005  
D3: KR 10-2008-0095429 A (KTFREETEL CO., LTD.) 29 October 2008  
D4: US 2002-0065851 A1 (WATSON, E. C. et al.) 30 May 2002

**1. Novelty and Inventive Step**

**1.1 Claims 1-9**

Claim 1 differs from the prior art documents D1-D4 in that none of the documents discloses the features of receiving in real time from an auction service one or more pieces of content, links to the content, or identities of the content that are authorized to be included in offered space on a webpage and provided as a result of a content auction conducted in real time in response to a dissemination of one or more offers of the space on the webpage to contain the content made in response to a request for a webpage. In addition, it is not obvious to a person skilled in the art by the documents above, taken alone or in combination. Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with regard to novelty and an inventive step.

Claims 2-9 are dependent on claim 1. Accordingly, claims 2-9 are considered to be novel and involve an inventive step under PCT Article 33(2) and (3).

**1.2 Claims 10-12**

Claim 10 differs from the prior art documents D1-D4 in that any of the documents does not suggest the features of receiving one or more bids respectively associated with one or more pieces of content to place onto one or more webpages, receiving an offer of space on a webpage provided in response to a request for the webpage, matching a bid to the offer to determine winning piece of content for the webpage. In addition, it is not obvious to a person skilled in the art by the documents above, taken alone or in combination. Therefore, claim 10 is considered to be new and involve an inventive step under PCT Article 33(2) and (3).

Claims 11-12 are dependent on claim 10. Accordingly, claims 11-12 are considered to be novel and involve an inventive step under PCT Article 33(2) and (3).

- Continued on the Supplemental Box -

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2010/039384**

**Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claim 22 is dependent on claim 13 and refers to the webpage offer acceptor. However, the webpage has not been worded in claim 13.
2. Claim 23 dependent on claim 13 is worded in reference to the willingness-to-pay generator, but said willingness-to-pay generator has not been described in claim 13.
3. Claim 24 dependent on claim 13 refers to the one or more willingness-to-pay functions. However, said one or more willingness-to-pay functions has not been found in claim 13.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/039384**

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.  
Continuation of:

Box No. V

**1.3 Claims 13-14, 22-24**

Claim 13 relates to a system for generating a webpage containing auctioned content and the subject matter of claim 13 is substantially the same as that of claim 10. Therefore, claim 13 meets the requirements of PCT Article 33(2) and (3) with regard to novelty and an inventive step.

Claims 14, 22-24 are dependent on claim 13. Consequently, claims 14, 22-24 are also considered to be novel and involve an inventive step under PCT Article 33(2) and (3).

**1.4 Claims 15-20**

Claim 15 differs from the prior art documents D1-D4 in that any of the documents does not teach the features of receiving one or more bids to supply content for one or more offers for the space for one or more online composite content wherein the one or more bids and one or more offers have respective associated sets of attributes, generating respective numerically-valued evaluations of the one or more bids and one or more offers on the respective sets of attributes, and matching at least one bid and at least one offer according to the quantified evaluations. In addition, it is not obvious to a person skilled in the art by the documents above, taken alone or in combination. Therefore, claim 15 is considered to be new and involve an inventive step under PCT Article 33(2) and (3).

Claims 16-20 are dependent on claim 15. Therefore, claims 16-20 meet the requirements of PCT Article 33(2) and (3) with regard to novelty and an inventive step.

**1.5 Claim 21**

Claim 21 differs from the prior art documents D1-D4 in that none of the documents describes the features of a bid acceptor to accept one or more bids respectively associated with one or more pieces of content to place onto one or more webpages, the one or more bids at least in part including non-price attribute, a webpage offer acceptor to accept one or more offers of space on one or more webpages, a willingness-to-pay generator to generate one or more functions which qualifies a willingness to pay measure for evaluating the bids and offers, and a web content auction resolver to evaluate the willingness-to-pay functions and match the bids and offers according to the evaluating. In addition, it is not obvious to a person skilled in the art by the documents above, taken alone or in combination. Therefore, claim 21 is considered to be new and involve an inventive step under PCT Article 33(2) and (3).

**2. Industrial Applicability**

Claims 1-24 are industrially applicable and meet the requirements of PCT Article 33(4).

**Request for Participation in KIPO/USPTO PCT-PPH Program**  
**U.S. App. No. 12/819,044**  
**Copy of Claims Filed in PCT/US10/39384**

All claims found to have novelty, inventive step, and industrial applicability

1. A computer-implemented method for generating a webpage, comprising:  
receiving in real time from an auction service, by a computing device, one or more pieces of content, links to the content or identities of the content, that are authorized to be included in offered space on a webpage, wherein the one or more pieces of content, links to the content or identities of the content are provided by the auction service as a result of a content auction conducted in real time in response to a dissemination of one or more offers of space on the webpage to contain content, wherein the dissemination is made in real time in response to a request for the webpage; and  
generating, by the computing device, the webpage containing some or all of the one or more authorized pieces of content for response to the request for the webpage.
2. The method of claim 1, wherein receiving in real time from an auction service, by a computing device, one or more pieces of content comprises receiving advertising or editorial content.
3. The method of claim 1, further comprising disseminating in real time, by the computing device, the one or more offers of space on the webpage to contain content, in response to a request for the webpage.
4. The method of claim 1, wherein receiving one or more pieces of content or links to the content comprises receiving responsive bids for the offered space from an online content auction service.
5. The method of claim 1, further comprising receiving, by the computing device from the auction service, one or more links to services or identities of services to be performed for the webpage.
6. The method of claim 5, wherein generating the webpage comprises utilizing one or more services which are linked to or identified to provide services for the webpage.



7. The method of claim 1, wherein the one or more offers of space comprise non-price information.
8. The method of claim 7, wherein the non-price information comprises visitor information, performance metrics, or domain or content information associated with the webpage or a website to which the webpage is associated.
9. The method of claim 7, wherein non-price information comprises probability information about future content performance predictions associated with the webpage or a website to which the webpage is associated.
10. A method for facilitating generation of a webpage, comprising:
  - receiving, at a computing device, one or more bids respectively associated with one or more pieces of content to place the one or more pieces of content onto one or more webpages having space for bid for placement of content;
  - receiving, in real time at the computing device, an offer of space on a webpage, the webpage provided in real time in response to a request for the webpage;
  - matching in real time, at the computing device, a bid to the offer to determine a winning piece of content for the webpage; and
  - authorizing in real time, at the computing device, the winning piece of content for one or more instances of inclusion in the to be generated webpage.
11. The method of claim 10, wherein receiving one or more bids comprises receiving at least one of the one or more bids having non-price information.
12. The method of claim 10, further comprising:
  - receiving, at the computing device, one or more service bids for web services to be performed for one or more webpages;
  - matching in real time, at the computing device, a service bid to the offer to determine a winning web service for the webpage; and
  - authorizing, at the computing device, the winning web service for one or more instances of inclusion in the to be generated webpage.
13. A system for generating a webpage containing auctioned content, comprising:

one or more computer processors;

a bid acceptor configured to, in response to operation by the one or more computer processors, accept one or more bids respectively associated with one or more pieces of content to place the one or more pieces of content onto one or more webpages having space for bid for placement of content;

a webpage space offer acceptor configured to, in response to operation by the one or more computer processors, accept, in real time, an offer of space on a webpage, the webpage provided in real time in response to a request for the webpage; and

a web content auction resolver configured to, in response to operation by the one or more computer processors:

match, in real time, a matched bid to the offer; and

authorize, in real time, a piece of content associated with a matched bid for one or more instances of inclusion in the to be generated webpage associated with the offer.

14. The system of claim 13, wherein the web content auction resolver is configured to, in response to operation by the one or more computer processors, match bids and offers according to non-price information.

15. A computer-implemented method for matching bids to supply content for online composite content with offers for space for one or more online composite content in an auction, the method comprising:

receiving, by a computing device, one or more bids to supply content for the online composite content and one or more offers for space for one or more online composite content, wherein the one or more bids and one or more offers have respective associated sets of attributes;

generating, by the computing device, respective numerically-valued evaluations of the one or more bids and one or more offers based on the respective sets of attributes;

matching, by the computing device, at least one bid and at least one offer according to the quantified evaluations; and

outputting, by the computing device, the matched offers and bids.

16. The method of claim 15, wherein the online composite content comprises a webpage.

17. The method of claim 16, wherein generating respective quantified evaluations comprises, for a bid or offer:

generating, by the computing device, a function which quantifies a willingness to pay measure; and

evaluating, by the computing device, the function over each of the respective sets of attributes.

18. The method of claim 17, wherein generating respective quantified evaluations further comprises, for a respective bid or offer, combining a valuation obtained from evaluating the function for that bid or offer with an asked-for price.

19. The method of claim 17, wherein evaluating the function over each of the respective sets of attributes comprises evaluating the function over one or more non-quantitative attributes.

20. The method of claim 15, wherein,

the method further comprises identifying, by the computing device, statistics relating to past performance of an agent;

at least one bid or at least one offer comprises one or more probability distributions for future performance of an agent; and

generating, by the computing device, respective quantified evaluations comprises performing an evaluation over the one or more probability distributions.

21. A system for performing multi-attribute auctions, the system comprising:

one or more computer processors;

a bid acceptor configured to, in response to operation by the one or more computer processors, accept one or more bids respectively associated with one or more pieces of content to place the pieces of content onto one or more webpages, the one or more bids at least in part including non-price attributes;

a webpage offer acceptor configured to, in response to operation by the one or

more computer processors, accept one or more offers of space on one or more webpages, the one or more offers at least in part including non-price attributes;

a willingness-to-pay generator configured to, in response to operation by the one or more computer processors, generate one or more functions which quantify a willingness to pay measure for evaluating the accepted bids and offers; and

a web content auction resolver configured to, in response to operation by the one or more computer processors:

evaluate the one or more willingness-to-pay functions over the accepted bids and offers;

match at least one bid and at least one offer which match at least in part according to the evaluating; and

output the matching at least one offer and at least one bid.

22. The system of claim 13, further comprising a provider statistics publisher configured to, in response to operation by the one or more computer processors, publish statistics relating to past performance of one or more agents; and

wherein the webpage offer acceptor is further configured to, in response to operation by the one or more computer processors, accept offers which comprise one or more probability distributions for future performance of the one or more agents.

23. The system of claim 13, wherein the willingness-to-pay generator is configured to generate willingness-to-pay functions for individual website providers or content creators.

24. The system of claim 13, wherein the web content auction resolver is further configured to add valuations obtained through evaluating the one or more willingness-to-pay functions to prices included in the bids and offers.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/819,044	06/18/2010	Bruce D. D'Ambrosio	121775-175445	9159
60172 7590 06/27/2011 SCHWABE, WILLIAMSON & WYATT, P.C. 1420 FIFTH AVENUE, SUITE 3400 SEATTLE, WA 98101-4010			EXAMINER ROSEN, NICHOLAS D	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 06/27/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JUN 27 2011

SCHWABE, WILLIAMSON & WYATT, P.C.  
1420 FIFTH AVENUE, SUITE 3400  
SEATTLE WA 98101-4010

In re application of:	:	<b>DECISION ON REQUEST TO</b>
D'Ambrosio, Bruce D., et al.	:	<b>PARTICIPATE IN PATENT</b>
Application No.: 12/819,044	:	<b>PROSECUTION HIGHWAY</b>
Filed: June 18, 2010	:	<b>PROGRAM AND PETITION</b>
For: MULTI-ATTRIBUTE WEB	:	<b>TO MAKE SPECIAL UNDER</b>
CONTENT AUCTIONS	:	<b>37 C.F.R. 1.102(d)</b>

This is a decision on the request to participate in the pilot Patent Prosecution Highway (PPH) program between the USPTO and the KIPO based on PCT treaty work products and the petition under 37 C.F.R. § 1.102(d), filed April 5, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in this PPH pilot program and petition to make special require (see 1355 OG 319):

(1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following requirements:

(a) The U.S. application is a national stage entry of the corresponding PCT application.

(b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.

(c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.

(d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.

(e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) through (d) scenarios.

2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely, the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

(3) Claim Correspondence:

(a) All of the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and be free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(b) Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format requirements, the claims in the U.S. application are of the same or similar scope as the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application, or the claims in the U.S. application are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(c) In this regard, a claim that is narrower in scope occurs when a claim indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application is amended to be further limited by an additional feature that is supported in the written description of the U.S. application. The claim(s) with the narrower scope must be written in dependent form in the U.S. application for which participation in the PCT-PPH pilot program is requested.

(4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.

(5) Applicant must file a request for participation in the PCT-PPH pilot program and a request that the U.S. application be advanced out of turn for examination by order of the Director to expedite the business of the Office under 37 CFR 1.102(a).

(6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language. A statement that the English translation is accurate is not required. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. Where the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above, applicant need not submit a copy of the latest international work product along with an English translation thereof since a copy of these documents is already contained in the file wrapper of the U.S. application.

(7) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Where the required documents have been previously filed in the U.S. application, applicant may simply refer to these documents and indicate in the request for participation in the PCT-PPH pilot program when these documents were previously filed in the U.S. application. If the claims in the U.S. application for which participation in the PCT-PPH pilot program is requested are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(8) Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

(9) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the PCT application corresponding to the U.S. application for which participation in the PCT-PPH pilot program is requested (unless such an IDS has already been filed in the U.S. application, in which case applicant may simply refer to the previously filed



IDS and indicate in the request for participation in the PCT-PPH pilot program when the IDS was previously filed in the U.S. application). Applicant must submit copies of all the documents cited in the international work products of the PCT application corresponding to the U.S. application (unless the copies have already been filed in the U.S. application, in which case applicant may simply refer to the previously filed copies of the documents and indicate in the request for participation in the PCT-PPH pilot program when the copies were previously filed in the U.S. application) except U.S. patents or U.S. patent application publications.

(10) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy."

In light of the petition and supporting documents filed April 5, 2011, the request to participate in the PPH program complies with the above requirements and the above identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

All other queries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system or the examiner of record in the application.



Robert Weinhardt  
Business Practice Specialist  
Technology Center 3600

RW/6/24/11



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United States Patent and Trademark Office  
P.O. Box 1450  
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**KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834**

**MAILED**

**MAY 23 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
<b>LADABAUM, Igal et al.</b>	:	
Application No. 12/819,066	:	DECISION ON PETITION
Filed: June 18, 2010	:	TO WITHDRAW
Attorney Docket No. 022176-001840US	:	FROM RECORD
	:	


This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 29, 2011.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Kilpatrick Townsend & Stockton LLP has been revoked by the assignee of the patent application on May 10, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the new address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4231.

  
Michelle R. Eason  
Paralegal Specialist  
Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : March 15, 2012

In re Application of :

Atul Kelkar

Application No : 12819137

Filed : 18-Jun-2010

Attorney Docket No : IESI-001/01US 311849-2003

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 15, 2012

The request is **APPROVED**.

The request was signed by William S. Galliani (registration no. 33885 ) on behalf of all attorneys/agents associated with Customer Number 58249 . All attorneys/agents associated with Customer Number 58249 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Innovative Energy Solutions, Inc.

Name2

Address 1 2214 229th Place, Suite 130

Address 2

City Ames

State IA

Postal Code 50014

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12819137	
Filing Date	18-Jun-2010	
First Named Inventor	Atul Kelkar	
Art Unit	1771	
Examiner Name	NINA BHAT	
Attorney Docket Number	IESI-001/01US 311849-2003	
Title	Thermo-Catalytic Cracking for Conversion of Higher Hydrocarbons into Lower Hydrocarbons	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: <span style="float: right;">58249</span>		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Innovative Energy Solutions, Inc.	
Address	2214 229th Place, Suite 130	
City	Ames	
State	IA	
Postal Code	50014	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/William S. Galliani/
Name	William S. Galliani
Registration Number	33885



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**KNOBBE MARTENS OLSON & BEAR LLP**  
**2040 MAIN STREET**  
**FOURTEENTH FLOOR**  
**IRVINE CA 92614**

**MAILED**  
**APR 02 2012**  
**OFFICE OF PETITIONS**

In re Application of:  
Hirai et al.  
Application No. 12/819,142  
Filed: June 18, 2010  
Attorney Docket No. SUTOSH.631AUS

: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 14, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

Examination of the above-identified U.S. application has begun and therefore the request from applicant to participate in the PPH program is denied. A non-final Office action was mailed December 27, 2011 in the above-identified application.

Telephone inquiries concerning this decision should be directed to Petitions Examiner Joan Olszewski at 571-272-7751.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

Anthony Knight  
Director  
Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : June 9,2011

In re Application of :

Luc Choquette

Application No : 12819146

Filed : 18-Jun-2010

Attorney Docket No : ARVIND004

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed June 9,2011

The request is **APPROVED**.

The request was signed by James M. Boswell (registration no. 58388 ) on behalf of all attorneys/agents associated with Customer Number 77622 . All attorneys/agents associated with Customer Number 77622 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Arvind Srinivasan  
Name2  
Address 1 1029 Belmont Ave E #102  
Address 2  
City Seattle  
State WA  
Postal Code 98102  
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12819146	
Filing Date	18-Jun-2010	
First Named Inventor	Luc Choquette	
Art Unit	3747	
Examiner Name		
Attorney Docket Number	ARVIND004	
Title	ENERGY EFFICIENT PLASMA GENERATION	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: <span style="float: right;">77622</span>		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Arvind Srinivasan	
Address	1029 Belmont Ave E #102	
City	Seattle	
State	WA	
Postal Code	98102	
Country	US	



I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/James M. Boswell/
Name	James M. Boswell
Registration Number	58388



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/819,154	06/18/2010	Chung Hoon LEE	P2344USC3	9410
58027 7590 09/15/2010 H.C. PARK & ASSOCIATES, PLC 8500 LEESBURG PIKE SUITE 7500 VIENNA, VA 22182			EXAMINER JOY, JEREMY J	
			ART UNIT 2822	PAPER NUMBER
			NOTIFICATION DATE 09/15/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENT@PARK-LAW.COM



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H.C. PARK & ASSOCIATES, PLC  
8500 LEESBURG PIKE  
SUITE 7500  
VIENNA VA 22182

In re Application of:	:	
Lee, Chung Hoon et al.	:	DECISION ON PETITION TO
Serial No.: 12/819,154	:	MAKE SPECIAL FOR NEW
Filed: June 18, 2010	:	APPLICATION UNDER 37
Title: LIGHT EMITTING DEVICE HAVING A	:	C.F.R. § 1.102 & M.P.E.P. § 708.2
PLURALITY OF LIGHT EMITTING	:	
CELLS AND PACKAGE MOUNTING	:	
THE SAME	:	

This is a decision on the petition filed on June 18, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition (section II, subsections 1-5) are considered to have been met. However, the petition fails to comply with the all the conditions set forth in section II, subsection 6. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of section II, subsection 6.5, the petition is required to provide a showing of where *each limitation* (italics added) of the claims finds support under 35 USC 112, first paragraph in the *written description* (italics added) of the specification. While the examination support document provides a showing for the current application, as set forth in item 6.5 on page 2 of this decision, "if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists." The current application claims the benefit of a parent application under title 35 United States Code 120 to international patent application PCT/KR05/03555 and Korea patent application 10-2004-0105368, as noted on page 1 of the specification, but the examination support document fails to provide a showing of support in each application. For these reasons, the petition does not meet the requirement of section II, subsection 6.5.

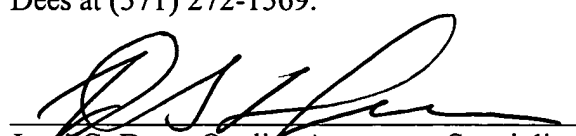
#### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petition is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiries regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.

  
Jose' G. Dees, Quality Assurance Specialist  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/819,154	06/18/2010	Chung Hoon LEE	P2344USC3	9410
58027 7590 11/10/2010 H.C. PARK & ASSOCIATES, PLC 8500 LEESBURG PIKE SUITE 7500 VIENNA, VA 22182			EXAMINER JOY, JEREMY J	
			ART UNIT 2822	PAPER NUMBER
			NOTIFICATION DATE 11/10/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENT@PARK-LAW.COM



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H.C. PARK & ASSOCIATES, PLC  
8500 LEESBURG PIKE  
SUITE 7500  
VIENNA VA 22182

In re Application of:

LEE et al.

Serial No.: 12/819,154

Filed: June 18, 2010

Docket Number: P2344USC3

Title: LIGHT EMITTING DEVICE HAVING A  
PLURALITY OF LIGHT EMITTING  
CELLS AND PACKAGE MOUNTING  
THE SAME

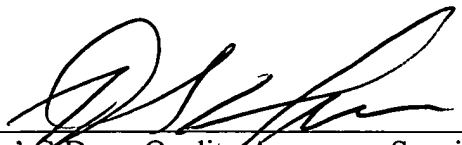
DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102

A decision dismissing the petition to make the above-identified application special for accelerated examination was mailed on September 15, 2010. The decision set a non-extendable time period of one month or 30 (thirty) days, whichever is longer, from its mailing date to correct the deficiency/deficiencies in the petition.

As of October 19, 2010, the expiry of the period set, neither a reply nor a renewed petition was received. Accordingly, the application is no longer eligible for the accelerated examination program.

The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

Any inquiries regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.

  
Jose' G. Dees, Quality Assurance Specialist  
Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components



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CHRISTOPHER & WEISBERG, P.A.  
200 EAST LAS OLAS BOULEVARD  
SUITE 2040  
FORT LAUDERDALE FL 33301

**MAILED**  
**FEB 07 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Wu et al. :  
Application Number: 12/819,212 : **ON PETITION**  
Filing or 371(c) Date: 06/20/2010 :  
Attorney Docket Number: 7230-69U. :

This is in response to the Petition to Accept Color Drawings under 37 CFR 1.84(a)(2), filed in the United States Patent and Trademark Office (USPTO) on June 20, 2010.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;<sup>1</sup>
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

<sup>1</sup> The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).



The petition is not accompanied by an amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

The Office has determined, however, that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. As color drawings or photographs are not necessary for an understanding of the invention, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop Petitions  
                                    Commissioner for Patents  
                                    PO Box 1450  
                                    Alexandria VA 22313-1450

By FAX:                      571-273-8300  
                                    Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2881.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.



Douglas I. Wood  
Senior Petitions Examiner  
Office of Petitions



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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WEI TE CHUNG  
FOXCONN INTERNATIONAL, INC.  
1650 MEMOREX DRIVE  
SANTA CLARA CA 95050

**MAILED**

OCT 11 2011

In re Application of	:	OFFICE OF PETITIONS
Sheng-Ho Yang et al.	:	
Application No. 12/819,233	:	DECISION ON PETITION
Filed: June 21, 2010	:	
Attorney Docket No. <b>US28378</b>	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 27, 2011<sup>1</sup>, to revive the above-identified application.

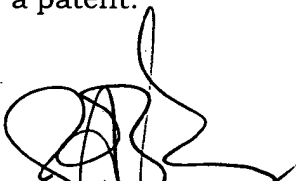
The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 13, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 13, 2010. Accordingly, the date of abandonment of this application is December 14, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Data Management for processing into a patent.



JoAnne Burke  
Petitions Examiner  
Office of Petitions

<sup>1</sup> With a Certificate of Mailing of September 23, 2011.



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TROY MI 48099-4390

**MAILED**

JAN 20 2012

OFFICE OF PETITIONS

In re Application of	:	
EZZAT, et al	:	
Application No. 12/819,415	:	DECISION ON PETITION
Filed: June 21, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1757.3007.005	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 14, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement made by registered attorney Steven B. Walmsley, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3700.

The application is being forwarded to Technology Center Art Unit 3773 for action on the merits commensurate with this decision.

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions



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COHEN PONTANI LIEBERMAN & PAVANE LLP  
551 FIFTH AVENUE  
SUITE 1210  
NEW YORK NY 10176

**MAILED**  
**APR 25 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Pramod Singnurkar :  
Application No. 12/819,441 : ON PETITION  
Filed: June 21, 2010 :  
Attorney Docket No. 5367-572 :

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed March 22, 2011.

The petition under 37 CFR 1.181 is **GRANTED**.

The holding of abandonment is **WITHDRAWN**.

The above-identified application became abandoned for failure to timely file a reply in response to the Notice to File Missing Parts, mailed June 28, 2010. This Notice set an extendable period for reply of two (2) months. No extensions of time under 37 CFR 1.136(a) were obtained. No reply having been received, the application became abandoned on August 29, 2010. The Office mailed a Notice of Abandonment on March 10, 2011.

Petitioner states that he did not receive the June 28, 2010 Notice to File Missing Parts. In support thereof, petitioner has included a copy of master docket report, showing all of the firm's replies docketed for a due date of August 28, 2010.

To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed.<sup>1</sup> A proper docket report consists of a "docket record where the nonreceived Office action would have been entered had it been received and docketed."<sup>2</sup> "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."<sup>3</sup>

Petitioner has met requirements (1), (2), and (3) above. Accordingly, it is concluded that petitioner has established that he did not receive the June 28, 2010 Notice to File Missing Parts.

The application is being forwarded to the Office of Patent Application Processing for re-mailing of the June 28, 2010 Notice to File Missing Parts, setting a new period for reply.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions

---

<sup>1</sup> See MPEP 711.03(c) (II).

<sup>2</sup> MPEP 711.03(c) (II) (emphasis added).

<sup>3</sup> Id.



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In re Application of  
David M. Goldenberg

Application No. 12819533

Filed: June 21, 2010

Attorney Docket No. IMM301US7

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 03-SEP-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (12-09)

Approved for use through 05/31/2010. OMB 0651-0062  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 70257.158

Application Number  
(if known): 12/819,544

Filing date: 06/21/2010

First Named  
Inventor: Wei Shi

Title: PHOSPHOR LAYER ARRANGEMENT FOR USE WITH LIGHT EMITTING DIODES

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

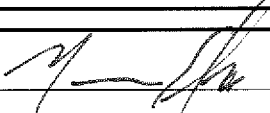
This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication:** Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

**If the application has been published, the petition must still be accompanied by the publication fee set forth in 37 CFR 1.18(d) and a statement that the application has been published.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.
3. This request is accompanied by statements of special status for the eligibility requirement.
4. The application contains no more than three (3) independent claims and twenty (20) total claims.
5. The application does not contain any multiple dependent claims.
6. Other attachments: \_\_\_\_\_

Signature 	Date 12/15/2010
Name (Print/Typed) Norman E Carte	Registration Number 30,455
<b>Note:</b> Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.	
<input type="checkbox"/> *Total of _____ forms are submitted.	

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Wei Shi		
Assignee:	BRIDGELUX, INC.		
Title:	PHOSPHOR LAYER ARRANGEMENT FOR USE WITH LIGHT EMITTING DIODES		
Application No.:	12/819,544	Filing Date:	06/21/2010
Examiner:	Unknown	Group Art Unit:	2879
Docket No.:	70257.158	Confirmation No:	1289

Irvine, California  
December 15, 2010

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Dear Sir:

The basis for this Petition to Make Special Under the Green Technology Pilot Program is energy conservation. This invention contributes to energy conservation and thus qualifies for the Green Technology Pilot Program because the invention facilitates the manufacture and/or use of light emitting diodes (LEDs) which use substantially less energy than contemporary incandescent and fluorescent lights. Thus, it is respectfully submitted that the materiality standard is met.

The present application has been published on October 7, 2011 and assigned a publication no.: US-2010-0253248-A1.

Haynes & Boone, LLP  
Attorney & Counselors

18100 Van Karman  
Suite 750  
Irvine, CA 92612-0169

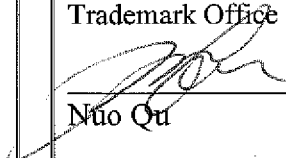


### CONCLUSION

Authorization is given to charge any fees due or credit any overpayments in regard to this communication to deposit account 08-1394. If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 202-3000 is welcomed and encouraged.

Certification of Electronic Transmission

I hereby certify that this paper is being electronically transmitted to the U.S. Patent and Trademark Office on the date shown below.

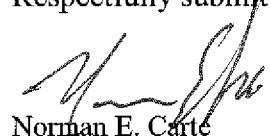


Nuo Qu

**December 15, 2010**

Date of Signature

Respectfully submitted,



Norman E. Carte  
Agent for Applicants  
Reg. No. 30,455

Haynes & Boone, LLP  
Attorney & Counselors

18100 Van Karman  
Suite 750  
Irvine, CA 92612-0169



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/819,544	06/21/2010	Wei Shi	70257.158	1289
27683 7590 12/22/2010 HAYNES AND BOONE, LLP IP Section 2323 Victory Avenue Suite 700 Dallas, TX 75219				
			EXAMINER PATEL, NIMESHKUMAR D	
			ART UNIT 2879	PAPER NUMBER
			MAIL DATE 12/22/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Haynes and Boone, LLP  
IP Section  
2323 Victory Avenue  
SUITE 700  
Dallas TX 75219

In re Application of	:	
Wei SHI	:	DECISION ON PETITION
Application No. 12/819,544	:	TO MAKE SPECIAL UNDER
Filed: June 21, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 70257.158	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on December 15, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.


In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2879 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



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ACUSHNET COMPANY  
333 BRIDGE STREET  
P. O. BOX 965  
FAIRHAVEN MA 02719

**MAILED**

**MAR 21 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Sullivan, et al. :  
Application No. 12/819,553 : DECISION  
Filed/Deposited: 21 June, 2010 :  
Attorney Docket No. B03-70-C4 :

This is a decision on the petition filed on 6 August, 2010, properly considered pursuant to 37 C.F.R. §1.57, seeking to have accorded a filing date of 21 June, 2010, for the above-identified application based upon a showing that the omitted drawing/figures were present in the prior-filed application to which this application claimed benefit (pursuant to 37 C.F.R. §1.78 and/or §1.55) on deposit.

For the reasons stated herein, the petition is **GRANTED**.

Application papers in the above-identified application were deposited on 21 June, 2010.

On 1 July, 2010, the Office mailed a Notice of Incomplete Nonprovisional Application (the Notice) and indicated therein that the application had not been accorded a filing date because it had been deposited without a drawings as required pursuant to 35 U.S.C. §113.

Thus, the application was not granted a filing date.

OPAP indicated that Petitioner might:

- contend via petition that the specification was submitted (and evidence same with a copy of a date-stamped receipt card (see: MPEP §503)); or that a priority claim pursuant to pursuant to 37 C.F.R. §1.55 or. §1.78 was present on deposit and that petition pursuant to 37 C.F.R. §1.57 was proper to add inadvertently omitted material to the instant application; or
- submit the specification and accept the later date of submission as the filing date.

Application No. 12/819,553

OIPE set a two- (2-) month period for reply.

In response, on 8 August, 2010, Petitioner filed, *inter alia*:

- a petition averring incorporation by reference of Application No. 12/253,602, filed on 17 October, 2008, (and pending on deposit of the instant application) to which priority is claimed;
- petition fee/fee authorization;
- a preliminary amendment, and pointed to Application No. 12/253,602, filed on 17 October, 2008, and it is noted that the express claim for priority were present on deposit.

Consideration turns to the merits of the §1.57 petition.

The regulations at 37 C.F.R. §1.57 provide that:

(a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under §1.55 for priority of a prior-filed foreign application, or a claim under §1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under §1.55 or §1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

(1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by §1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:

(i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. §111;

(ii) Supply an English language translation of any prior-filed application that is in a language other than English; and

(iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

\*\*\*

Application No. 12/819,553

(3) If an application is not otherwise entitled to a filing date under §1.53(b), the amendment must be by way of a petition pursuant to this paragraph accompanied by the fee set forth in §1.17(d).

The instant application was filed after September 21, 2004, and thus, the provisions of 37 C.F.R. §1.57(a) are applicable.

#### ANALYSIS

Petitioner filed a petition on 8 August, 2010, with fee, and pointed to Application No. 12/253,602, filed on 17 October, 2008, and it is noted that the express claim for priority were present on deposit, and a preliminary amendment and drawings, and Petitioner identified where the inadvertently omitted materials can be filed in the prior-filed application. A preliminary amendment to add the inadvertently omitted material is required and appears to have been submitted contemporaneously with the petition.

#### CONCLUSION

Accordingly, the petition is **granted**.

This application is being forwarded to the Office of Patent Application Processing (OPAP) formerly Office of Initial Patent Examination (OIPE), for further processing, with the filing date of 21 June, 2010, using the application papers present on that date, and drawings/figures and preliminary amendment submitted on 6 August, 2010.

Any questions concerning this matter may be directed to John Gillon at (571) 272-3214.

All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Chris Bottorf  
Supervisory Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/819,555	06/21/2010	Ryo Araki	6639P970	1327
8791 7590 04/05/2011 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER	
			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			04/05/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE CA 94085-4040

In re Application of	:	
ARAKI, RYO	:	DECISION ON REQUEST TO
Application No. 12/819,555	:	PARTICIPATE IN PATENT
Filed: June 21, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 6639P970	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 9, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Wellington Chin at 571-272-3134.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/ Wellington Chin/

---

Wellington Chin  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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MAILED SEP 27 2010

Tuggey Rosenthal Pauerstein Sandoloski Agather LLP  
755 EAST MULBERRY STREET AVE  
SUITE 200  
SAN ANTONIO TX 78212

In re Application of: Richard Jarvis  
Application No.: 12/819,659  
Filed: June 21, 2010  
Title: METHODS FOR SUPPORTING A VESSEL  
WITHIN A LABORATORY BATH

: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02

This is a decision on the petition filed on June 21, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

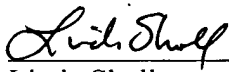
1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not complete under 37 CFR 1.51 and in condition for examination at the time of filing. The application is not complete under 37 CFR 1.51 since the claim for priority

listed in the application data sheet is improper for at least the reason that there is no relationship listed between the current application and application 12/381,102.

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Linda Sholl, TC 3700 Special Program Examiner, at (571) 272-4391.



---

Linda Sholl  
Special Program Examiner  
Technology Center 3700



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**STEPTOE & JOHNSON LLP**  
**1330 CONNECTICUT AVENUE, N.W.**  
**WASHINGTON DC 20036**

**MAILED**

**JUN 22 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
David H. Fine	:	
Application No. 12/819,670	:	<b>ON PETITION</b>
Filed: June 21, 2010	:	
Attorney Docket No. 16250.0020	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 8, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by applicant's attorney that applicant is 65 years of age and a statement (PTO/SB/130 form) by the applicant that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1613 for action on the merits commensurate with this decision.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : July 13,2011

In re Application of :

Masahiro OSHIKIRI

### DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12819690

Filed : 21-Jun-2010

Attorney Docket No : P38565

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed July 13,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2626 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>	
Application Number	12819690	
Filing Date	21-Jun-2010	
First Named Inventor	Masahiro OSHIKIRI	
Art Unit	2626	
Examiner Name	ABUL AZAD	
Attorney Docket Number	P38565	
Title	ENCODER, DECODER, ENCODING METHOD, AND DECODING METHOD	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Steven Wegman/
Name	Steven Wegman
Registration Number	31438





## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : December 15, 2011

In re Application of :

Masahiro OSHIKIRI

### DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12819690

Filed : 21-Jun-2010

Attorney Docket No : P38565

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed December 15, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2626 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>	
Application Number	12819690	
Filing Date	21-Jun-2010	
First Named Inventor	Masahiro OSHIKIRI	
Art Unit	2626	
Examiner Name	ABUL AZAD	
Attorney Docket Number	P38565	
Title	ENCODER, DECODER, ENCODING METHOD, AND DECODING METHOD	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/William E. Lyddane/
Name	William E. Lyddane
Registration Number	41568

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**DATE** : November 5, 2011

**TO SPE OF** : ART UNIT 1635

**SUBJECT** : Request for Certificate of Correction for Appl. No.: 12/819711 Patent No.: 8008273 B2

CofC mailroom date: 10-21-11

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)**  
**Randolph Square – 9D10-A**  
**Palm Location 7580**

**Note:** \_\_\_\_\_  
\_\_\_\_\_

**Magdalene Talley**  
Certificates of Correction Branch  
**571-272-0423** \_\_\_\_\_

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**/Heather Calamita/**  
**SPE**

**1635**  
**Art Unit**



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P.O. Box 1450  
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SCHLUMBERGER TECHNOLOGY CORPORATION  
DAVID CATE  
IP DEPT., WELL STIMULATION  
110 SCHLUMBERGER DRIVE, MD1  
SUGAR LAND, TX 77478

**MAILED**

NOV 18 2010

**OFFICE OF PETITIONS**

In re Application of	:
Jonathan W. Holt	:
Application No. 12/819,718	: DECISION NOTING JOINDER OF
Filed: June 21, 2010	: INVENTOR AND PETITION
Attorney Docket No.: 56.1354	: UNDER 37 CFR 1.47(b)
	:

This is a decision in response to the communication filed October 4, 2010, which includes a Declaration in compliance with 37 CFR 1.63 signed by a previously non-signing inventor, Jonathan W. Holt.

A review of the records discloses that the above-identified application was filed on June 21, 2010, without an executed oath or declaration. Accordingly, on July 1, 2010, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring submission of an executed oath or declaration and payment of the surcharge for late filing under § 1.16(e). This Notice set a two-month period for reply, with extensions of time obtainable under § 1.136(a). On October 1, 2010, a petition under the provisions of 37 CFR 1.47(b) was filed. Thereafter, on October 4, 2010 a declaration signed by sole inventor, Jonathan W. Holt was filed. Petitioner requests that the petition under 37 CFR 1.47(b) be withdrawn.

In view of the joinder of the inventor, consideration under § 1.47(b) is not necessary. Accordingly, the petition under 37 CFR 1.47 filed October 1, 2010 is **DISMISSED AS MOOT**.

This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

It is noted that a request for extension of time within the second month was included with the present communication. Since a one-month extension was secured on October 1, 2010, the balance required for a petition for extension of time within the second month is \$360 (\$490-130=\$360). Further, since the \$200 petition fee submitted on October 1, 2010 is subject to refund under the circumstance of this case, counsel's deposit account will be charged the difference of \$160 for the 2-month extension. (\$360-200=\$160).

This application is being referred to Technology Center AU 1765 for examination on the merits in due course.

Inquiries regarding this communication may be directed to the undersigned at (571) 272-3204. Inquiries concerning the examination or status of the application should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "Sherry D. Brinkley". The signature is fluid and cursive, with the first name "Sherry" and last name "Brinkley" clearly distinguishable.

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

**MAILED**

**JAN 30 2012**

**OFFICE OF PETITIONS**

**BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE CA 94085-4040**

In re Application of	: DECISION ON REQUEST TO
Terumasa NAGASAKI	: PARTICIPATE IN PPH PROGRAM
Application No. 12/819,727	: AND PETITION TO MAKE SPECIAL
Filed: June 21, 2010	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: 8616P969	:
For: POWER SUPPLY DEVICE AND PRESSURE REGULATOR	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 20, 2011 to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application is a Paris Convention application which either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO (Japanese Patent Office) or claims priority to a PCT application that contains no priority claims. Alternatively, it can be a national stage application under the PCT which validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims. It can also be a "bypass application" filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims, or contains no priority claim;

(2) applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) examination of the U.S. application has not begun;

(5) applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowability/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

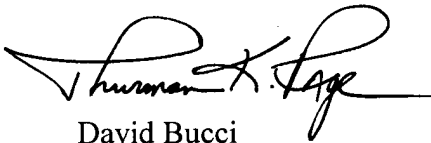
(6) applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

This application will be forwarded to Technology Center Art Unit 1725 for action commensurate with this decision.

A handwritten signature in black ink, appearing to read 'David Bucci', with a stylized flourish at the end.

David Bucci  
Petitions Examiner  
Office of Petitions





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON DC 20044-4300

**MAILED**

**FEB 24 2011**

**OFFICE OF PETITIONS**

In re Application of  
Eduard Hilberer et al.  
Application No. 12/819,775  
Filed: June 21, 2010  
Attorney Docket No. 037068.62506US

:  
:  
: DECISION ACCORDING STATUS  
: UNDER 37 CFR 1.47(a)  
:

This is in response to the petition filed January 25, 2011 under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on June 21, 2010 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts was mailed June 30, 2010 requiring, *inter alia*, an executed oath or declaration and a surcharge for its late filing.

In response thereof, the instant petition with a five month extension of time, seeking status under 37 CFR 1.47 was filed. Petitioners claim that joint inventor Hilberer has refused to join the above-referenced application for patent.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

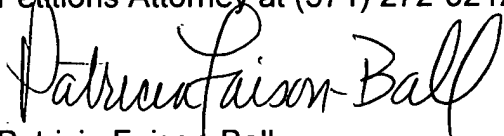
The petition bears proof that the application papers were sent to and received by the non-signing inventor at his last known address and that to date, he has not responded or provided the petitioners with an executed oath or declaration.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47c, this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No: 12/819,804 Filing date: June 21, 2010

First Named Inventor: Erik A. Uttermann

Title of the Invention: DEVICE FOOT

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF\\$\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2011/036846

The international filing date of the corresponding PCT application(s) is/are: 17 May 2011

## I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)



Is attached



Is not attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).



Is attached.



Is not attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

# **REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO**

(continued)

Application No.:	12/819,804
First Named Inventor:	Erik A. Uttermann

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☒

Is attached

☐

Has already been filed in the above-identified U.S. application on \_\_\_\_\_

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☒

Are attached.

☐

Have already been filed in the above-identified U.S. application on \_\_\_\_\_

## **II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1 - 5	1 - 5	US claims 1 - 5 are identical to patentable PCT claims 1 - 5
6	1	Amended US claim 6 corresponds with patentable PCT claim 1
8	1	Amended US claim 8 corresponds with patentable PCT claim 1
11	1	Amended US claim 11 corresponds with patentable PCT claim 1
12 - 22	12 - 22	US claims 12 - 22 are identical to patentable PCT claims 12 - 22
23	12	New US claim 23 corresponds with patentable PCT claim 12
24	12	New US claim 24 corresponds with patentable PCT claim 12
25	12	New US claim 25 corresponds with patentable PCT claim 12
26	1	New US claim 26 corresponds with patentable PCT claim 1
27	1	New US claim 27 corresponds with patentable PCT claim 1

- III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Michael J. Ferrazano/	Date Sept 1, 2011
Name (Print/Typed) Michael J. Ferrazano	Registration Number 44,105

1. A moveable foot for an electronic device comprising;  
a rigid weight bearing member including an interior hollow portion;  
a flexible sealing member integrally formed with the rigid weight bearing member;  
5 wherein a portion of the flexible sealing member is extruded into the interior hollow portion to anchor the flexible sealing member to the rigid weight bearing member;  
wherein the rigid weight bearing member is mounted to an interior of the electronic device such that it extends through an external casing of the electronic  
10 device and the flexible sealing member is mounted to the external casing to seal the interior of the electronic device; and  
wherein the rigid weight bearing member is configured to move relative to the external casing during operation of the electronic device.
2. The moveable foot of claim 1, wherein the rigid weight bearing member and  
15 the flexible sealing member are integrally formed in a double-shot injection molding process.
3. The moveable foot of claims 1 or 2, wherein a first material for the rigid weight bearing member and a second material for the flexible sealing member are selected so that the first and the second material do not stick or bond together during  
20 the double-shot injection molding process.
4. The moveable foot of any of claims 1 - 3, wherein rigid weight bearing member includes a solid center portion surrounded by two or more shafts leading to the interior hollow portion wherein the flexible sealing member is comprised of a material that is extruded through each of the two or more shafts and into the interior  
25 hollow portion such that a solid plug is formed below the center portion.
5. The moveable foot as recited in any of the preceding claims, further comprising an energy storing mechanism wherein the energy storing mechanism is configured to store energy when the moveable foot is moved from a first position and release energy to restore the moveable foot to the first position.

6. An electronic device comprising;  
a casing;  
a touch-based interface; and  
a moveable foot, mounted within the interior of the casing and extending  
5 through an aperture in the casing, configured to a portion of the weight of the  
electronic device and to contribute to a range of movement associated with the touch-  
based interface.
7. The electronic device of claim 6, wherein the moveable foot further  
comprises;  
10 a flexible sealing member mounted to the external casing to seal the interior of  
the electronic device and  
a rigid weight sealing member integrally formed with the flexible sealing  
member.
8. The electronic device of claims 6 or 7, wherein the rigid weight bearing  
15 member is configured to move relative to the external casing during operation of the  
electronic device to contribute to the range of movement associated with the touch-  
based interface.
9. The electronic device of any of claims 6 - 8, wherein the rigid weight bearing  
member and the flexible sealing member are integrally formed.
- 20 10. The electronic device of any of claims 6 - 9, wherein a double-shot injection  
molding process is used to integrally form the rigid weight bearing member and the  
flexible sealing member.
11. The electronic device as recited in any of claims 6 - 10, wherein the aperture is  
circular.
- 25 12. A method of using a moveable device foot in an electronic device including a  
casing comprising:  
wherein the moveable device foot comprises:  
a rigid weight bearing member mounted within an interior of the casing and  
extending through an aperture in the casing;  
30 a flexible sealing member coupled to the rigid weight bearing member and  
mounted to the casing to seal the interior of the casing from external contaminants;  
and  
an energy storing mechanism;

applying a mechanical force via a touch-based interface associated with the electronic device;

transferring the applied mechanical force to the rigid weight bearing member;

in response to the mechanical force applied to the rigid weight bearing

5 member, causing the energy storing mechanism to store a portion of the mechanical force and the rigid weight bearing member to move from an initial position relative to the casing; and

in response to a removal of the applied mechanical force, causing the rigid weight bearing member to return to its initial position using the portion of the

10 mechanical force stored in the energy storing mechanism.

13. The method of claims 11 - 12, wherein the energy storing mechanism is a spring.

14. The method of any of claims 11 - 13, wherein the touch-based interface is a touch pad.

15 15. The method of any of claims 11 - 14, wherein the rigid weight bearing member and the flexible sealing member are integrally formed using a double-shot molding process.

16. The method of any of claims 11 - 15, wherein the moveable foot is configured to contribute to a range of movement associated with the touch-based interface to  
20 increase feedback associated with the touch-based interface.

17. A method of manufacturing a moveable device foot for an electronic device using double-shot injection molding process comprising:

providing a first material and a second material;

forming, from the first material, a rigid weight bearing member of the  
25 moveable device foot including an interior hollow portion during a first shot of the injection molding process;

forming, from the second material, a flexible sealing member of the moveable device foot during a second shot of the injection molding process wherein during the second shot a portion of the flexible sealing member is extruded into the hollow  
30 portion of the rigid weight bearing member to form a plug that anchors the flexible sealing member to the rigid weight bearing member; wherein the second material is selected so that it does not form a chemical bond to the first material during the second shot.

18. The method of claim 17, wherein the first material is a plastic resin.
19. The method of claim 17, wherein the second material is a thermoplastic elastomer comprising thermoplastic polyurethane and silicon.
20. The method of claim 17, wherein the rigid weight bearing member is dome-  
5 shaped.
21. The method of claim 20, wherein a top of the dome-shape includes a solid center portion surrounded by two or more shafts that are joined in an interior chamber of the dome-shape beneath the solid center portion.
22. The method of claim 21, wherein the plug is formed by extruding the second  
10 material through the two or more shafts to form a solid plug in the interior chamber beneath the solid center portion.



# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

# PCT

To:

Ferrazano, Michael J.  
BEYER LAW GROUP LLP  
P.O. Box 1687  
Cupertino, CA 95015-1687  
ETATS-UNIS D'AMERIQUE

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing  
(day/month/year)

25 August 2011 (25-08-2011)

Applicant's or agent's file reference  
APL1P707WO

**FOR FURTHER ACTION**

See paragraphs 1 and 4 below

International application No.  
PCT/US2011/036846

International filing date  
(day/month/year)

17 May 2011 (17-05-2011)

Applicant

APPLE INC.

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70

For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 - 9.011.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
  - ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk  
Tel. (+31-70) 340-2040  
Fax: (+31-70) 340-3016

Authorized officer

MWAMBOGA, Bakari  
Tel: +31 (0)70 340-4130

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference  APL1P707WO	<b>FOR FURTHER ACTION</b> <div style="float: right; font-size: small;">see Form PCT/ISA/220 as well as, where applicable, item 5 below.</div>	
International application No.  PCT/US2011/036846	International filing date (day/month/year)  17/05/2011	(Earliest) Priority Date (day/month/year)  21/06/2010
Applicant  APPLE INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (see Box No. III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant
- ☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant
- ☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 1

- ☒ as suggested by the applicant
- ☐ as selected by this Authority, because the applicant failed to suggest a figure
- ☐ as selected by this Authority, because this figure better characterizes the invention

b. ☐ none of the figures is to be published with the abstract

# INTERNATIONAL SEARCH REPORT

International application No

PCT/US2011/036846

## A. CLASSIFICATION OF SUBJECT MATTER

INV. A47B91/04 H05K5/02 G06F3/033 G06F1/16  
ADD.

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

A47B H05K G06F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EP0-Internal

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A	US 5 957 420 A (WANG CHIEN-LUNG [TW]) 28 September 1999 (1999-09-28) column 1, line 37 - line 67 column 2, line 17 - line 51 figures 3-5	6,8,11 1-5,7,9, 10,12-22
X A	US 2010/001150 A1 (CHIU HSIEN-CHIH [TW]) 7 January 2010 (2010-01-07) paragraph [0007] - paragraph [0011] paragraph [0018] - paragraph [0026] figures 1-4	6,8-11 1-5,7, 12-22
A	US 2008/074831 A1 (LEE JASON [US] ET AL) 27 March 2008 (2008-03-27) paragraph [0007] paragraph [0026]	1-22

☐ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

### \* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

17 August 2011

Date of mailing of the international search report

25/08/2011

Name and mailing address of the ISA/

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040,  
Fax: (+31-70) 340-3016

Authorized officer

Knutsson, Frédéric

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2011/036846

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
US 5957420	A	28-09-1999	CN	2278836 Y	15-04-1998
US 2010001150	A1	07-01-2010	TW	M344703 U	11-11-2008
US 2008074831	A1	27-03-2008	NONE		

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

# PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

### FOR FURTHER ACTION

See paragraph 2 below

International application No.  
PCT/US2011/036846

International filing date (day/month/year)  
17.05.2011

Priority date (day/month/year)  
21.06.2010

International Patent Classification (IPC) or both national classification and IPC  
INV. A47B91/04 H05K5/02 G06F3/033 G06F1/16

Applicant  
APPLE INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
P.B. 5818 Patentlaan 2  
NL 2280 HV Rijswijk - Pays Bas  
Tel. +31 70 340 - 2040  
Fax: +31 70 340 - 3016

Date of completion of  
this opinion

see form  
PCT/ISA/210

Authorized Officer

Knutsson, Frédéric

Telephone No. +31 70 340-9445



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2011/036846

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
  - a. (means)
    - ☐ on paper
    - ☐ in electronic form
  - b. (time)
    - ☐ in the international application as filed
    - ☐ together with the international application in electronic form
    - ☐ subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	<u>1-5, 7, 9, 10, 12-22</u>
	No: Claims	<u>6, 8, 11</u>
Inventive step (IS)	Yes: Claims	<u>1-5, 7, 12-22</u>
	No: Claims	<u>6, 8-11</u>
Industrial applicability (IA)	Yes: Claims	<u>1-22</u>
	No: Claims	

2. Citations and explanations

**see separate sheet**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2011/036846

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

1 Reference is made to the following documents:

D1 US 5 957 420 A (WANG CHIEN-LUNG [TW]) 28 September 1999  
(1999-09-28)

D2 US 2010/001150 A1 (CHIU HSIEN-CHIH [TW]) 7 January 2010  
(2010-01-07)

2 INDEPENDENT CLAIM 6

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 6 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):

An electronic device comprising;

a casing (Col. 1; lines 39-41);

a touch-based interface (Fig. 5: keys on the calculator); and

a moveable foot (Col. 1; lines 39-59), mounted within the interior of the casing and extending through an aperture in the casing (Col. 1; lines 41-45), configured to [support] a portion of the weight of the electronic device and to contribute to a range of movement associated with the touch-based interface (Col. 1; lines 45-59: the resilient arm would obviously flex and contribute to a range of movement associated with the touch-based interface when a user presses the keys).

3 DEPENDENT CLAIMS 8-11

3.1 Dependent claims 8-11 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

3.1.1 The features of dependent claims 8 and 11 are also disclosed in document D1 and do therefore not fulfill the requirements of Article 33(2) PCT.



- 3.1.2 The features of dependent claims 9 and 10 would, when using document D2 as a starting point, be obvious to the skilled person to include in a normal design process in accordance with the requirements on a particular implementation. These claims can therefore not be considered as involving an inventive step in the sense of Article 33(3) PCT.

**4 INDEPENDENT CLAIMS 1, 12 AND 17**

- 4.1 Document D2 is regarded as being the prior art closest to the subject-matter of claim 1, and shows (the references in parentheses applying to this document):

A moveable foot for an electronic device (Par. 8: "seat structure", Fig. 1: 30) comprising;

a rigid weight bearing member (Par. 22: "carrier disc", Fig. 2: 3202);

a flexible member integrally formed with the rigid weight bearing member (Par. 22: "support leg made from flexible material... support leg is integrally formed with the bottom side of the carrier disc", Fig. 2: 3204);

wherein the rigid weight bearing member is mounted to an interior of the electronic device such that it extends through an external casing of the electronic device (Par. 20, Fig. 2); and

wherein the rigid weight bearing member is configured to move relative to the external casing during operation of the electronic device (Par. 24).

The subject-matter of claim 1 therefore differs from this known apparatus in that the flexible member is a sealing member which is mounted to the external casing to seal the interior of the electronic device and in that the rigid weight bearing member includes an interior hollow portion into which a portion of the flexible sealing member is extruded to anchor the flexible sealing member to the rigid weight bearing member.

The subject-matter of claim 1 is therefore novel (Article 33(2) PCT).

The problem to be solved by the present invention may therefore be regarded as how to prevent external contaminants to enter an electronic device having a moveable foot.

When seeking to solve said technical problem, the skilled person would not find any hints in the prior art as to how or why he should incorporate the differentiating features identified above. Therefore, independent claim 1 is considered as involving an inventive step (Article 33(3) PCT).

- 4.2 The same reasoning as for independent claim 1 also applies, mutatis mutandis, to the corresponding independent claims 12 and 17 which are thus also new and considered as involving an inventive step (Article 33(2) and (3) PCT).

5 CLARITY

- 5.1 The application does not meet the requirements of Article 6 PCT, because claims 6-10 are not clear.

5.1.1 In independent claim 6, the term "... configured to a portion of the weight..." is not clear to the reader. This appears to merely be a typographical error. The intended term would appear to be "... configured to support a portion of the weight...".

5.1.2 In dependent claim , the term "... rigid weight sealing member..." is not clear to the reader. This appears to merely be a typographical error. The intended term would appear to be "... rigid weight bearing member...".

5.1.3 Claims 8-10 are drafted as dependent upon claim 6 but refer to features which have no antecedent therein. The rigid weight bearing member and flexible sealing member are introduced in claim 7.

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

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General information	For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.
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Amending claims under Art. 19 PCT	Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.
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Filing a demand for international preliminary examination	<p>In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/ WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT).</p> <p>If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).</p>
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Filing informal comments	After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.
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End of the international phase	At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).
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Relevant PCT Rules and more information	Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003
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# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/819,804	06/21/2010	Erik A. Uttermann	APL1P707/P9332US1	1880
47743 7590 11/16/2011 WOMBLE CARLYLE SANDRIDGE & RICE LLP Attn: IP Docketing P. O. BOX 7037 ATLANTA, GA 30357-0037			EXAMINER THOMPSON, TIMOTHY J	
			ART UNIT 2835	PAPER NUMBER
			NOTIFICATION DATE 11/16/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPDocketing@WCSR.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

WOMBLE CARLYLE SANDRIDGE & RICE LLP  
Attn: IP Docketing  
P. O. BOX 7037  
ATLANTA GA 30357-0037

**In re Application of**  
**UTTERMANN et al.**  
**Application No.: 12/819,804**  
**Filed: June 21, 2010**  
**Attorney Docket No.:**  
**APL1P707/P9332US1**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on September 1, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/Colleen Dunn/

Colleen Dunn  
TQAS, TC 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

TEXAS INSTRUMENTS INCORPORATED  
P O BOX 655474, M/S 3999  
DALLAS, TX 75265

**MAILED**

**AUG 29 2011**

**OFFICE OF PETITIONS**

In re Application of :  
William L Abbott, et al. :  
Application No. 12/819,813 : **DECISION ON PETITION**  
Filed: June 21, 2010 :  
Attorney Docket No. TI63295.1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 17, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice of Incomplete Reply (Notice), mailed July 30, 2010, which continued to run from the date of the Notice to File Corrected Application Papers mailed July 12, 2010. The original Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 13, 2010.

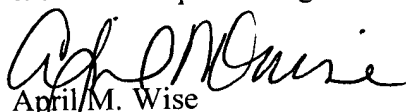
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a substitute specification, (2) the petition fee of \$1620, (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee under 37 CFR 1.137(d).

In view of the above, the petition is **GRANTED**.

The terminal disclaimer has been made of record.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred to the Office of Patent Application Processing for pre-examination processing of the reply received August 17, 2011.

  
April M. Wise  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
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JAN 21 2011

**OFFICE OF PETITIONS**

BEEM PATENT LAW FIRM  
53 W. JACKSON BLVD., SUITE 1352  
CHICAGO, IL 60604-3787

In re Application of	:	
Karen Metteer	:	
Application No. 12/819,848	:	DECISION ON PETITION
Filed: June 21, 2010	:	TO WITHDRAW
Attorney Docket No. 0433-0002	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 10, 2010.


The request is **APPROVED**.

The request was signed by Allison M. Williams on behalf of the practitioners of record associated with Customer Number 33297.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Karen Metteer at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

cc: Karen Metteer  
539 N. Foxridge Drive  
Raymore, MO 64083





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/819,848	06/21/2010	Karen Metteer	0433-0002

**CONFIRMATION NO. 1978**

**POWER OF ATTORNEY NOTICE**

33297  
BEEM PATENT LAW FIRM  
53 W. JACKSON BLVD., SUITE 1352  
CHICAGO, IL 60604-3787



Date Mailed: 01/21/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 12/10/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/s/ idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/819,848	06/21/2010	Karen Metteer	0433-0002

Karen Metteer  
539 N. Foxridge Drive  
Raymore, MO 64083

**CONFIRMATION NO. 1978**  
**POA ACCEPTANCE LETTER**



Date Mailed: 01/21/2011

## NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/10/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/s/ idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/819,989	06/21/2010	Masahiro Yamada	TOSH/0131US	1303
7590 07/10/2011 PATTERSON & SHERIDAN, L.L.P. 3040 POST OAK BOULEVARD SUITE 1500 HOUSTON, TX 77056			EXAMINER	
			ART UNIT	PAPER NUMBER
			2482	
			MAIL DATE	DELIVERY MODE
			07/10/2011	PAPER

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



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Alexandria, VA 22313-1450  
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**F5 Networks, Inc.**  
**c/o Frommer Lawrence & Haug LLP.**  
**745 Fifth Avenue**  
**NEW YORK NY 10151**

**MAILED**

**JAN 04 2011**

**OFFICE OF PETITIONS**

In re Application of: :  
Patrick Duncan Jenny et al. :  
Application No. 12/820,010 : **PETITION DECISION**  
Filed: June 21, 2010 :  
Attorney Docket No.: 1361008-2088.1/ :  
10.0032C1 :

This is a decision on the petitions under 37 CFR 1.48(a) and 37 CFR 1.47(a) filed November 4, 2010, which are being treated as a petition under 37 CFR 1.48(a) and 37 CFR 1.183 to waive the requirements of 37 CFR 1.64.

The petitions are **dismissed**.

As to the petition under 37 CFR 1.48(a):

**37 CFR 1.48 Correction of inventorship in a patent application**

(a) Nonprovisional application after oath /declaration filed . If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors. Amendment of the inventorship requires:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(i); and

- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

This petition is lacking item (3). The Declaration filed with the instant petition is not acceptable as it references parent Application No. 09/966,819 rather than the instant Application No. 12/820,010. Also, the declaration is not signed by co-inventor Tennican.

As to the petition under 37 CFR 1.183:

Petitioner requests that the inventorship of the instant application be corrected by adding Ronald Sanders as a co-inventor. One of the originally named inventors, Scott P. Tennican, who signed the originally filed declaration, is allegedly refusing to sign the replacement declaration. Petitions under 37 CFR 1.47 are only applicable to the initial execution of an original oath or declaration and are not applicable to supplemental oaths or declarations by the originally signing inventor. In such circumstances, the USPTO will consider a petition under 37 CFR 1.183 requesting waiver or the requirements of 37 CFR 1.64 that each of the actual inventors execute the supplemental oath or declaration.

MPEP 603 states in part:

When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate, and on behalf of the nonsigning inventor. See MPEP § 409.03(a).

In discussing waiver requirements under 37 CFR 1.183, the Office is guided by proof similar to that required when an applicant is unavailable or refuses to sign. Petitioner indicates that the non-signing inventor Tennican refuses to sign the replacement declaration.

MPEP 409.03(d) (II) states in part:

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.

Petitioner must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). There is no indication herein that joint inventor Tennican was presented with a copy of the complete application papers for this application. From the evidence of record, it appears that Tennican was presented with a copy of the parent application, SN 09/966,819, not the above identified application. Since the inventive entity is not the same for both applications (Sanders is not a co-inventor of the parent application) providing a copy of the parent application is not the same as providing a copy of the current application. If Tennican was not presented with a copy of the application papers for this application, then he could not attest that they have "reviewed and understand the application papers" and could not execute the declaration he was requested to sign. Did Tennican receive a copy of the application papers? Unless petitioner can show that a copy of the application papers for the current application was presented to Tennican, then petitioner will have to mail a copy of the complete application papers (specification, claims and drawings) to the last known address of Tennican, return receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct.

The petition alleges that efforts to reach the non-signing inventor, Tennican, have been unsuccessful. Proof that the non-signing inventor is unavailable or cannot be found similar to the proof required for a petition under 37 CFR 1.47 must be submitted with the petition under 37 CFR 1.183 (see MPEP § 409.03(d)).

The applicable statute (35 U.S.C. § 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. See MPEP 409.03(a). The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate the non-signing inventor, such that the declaration can be accepted. Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate inventor non-signing Tennican. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s). The results of such search should be made in any future petition for reconsideration. See MPEP 409.03(d). Additionally, petitioner should state whether he has access to inventor Tennican's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? At the very least, petitioner should mail correspondence to the inventor's last known address, return receipt and/or forwarding address requested. If a forwarding address is provided, petitioner should then mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to Tennican's address, return receipt requested, along with a cover letter of instructions which includes a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. If the papers are returned and all other attempts to locate or reach the inventor, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that

the inventor cannot be reached after diligent effort or has refused to join in the application. The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts. It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded that an inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an inventor gives a reason for refusing to sign the declaration, that reason should be stated in the affidavit or declaration.

For the reasons presented above, the petitions are dismissed.

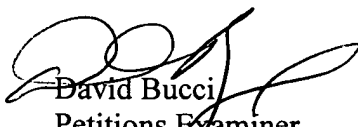
Further correspondence with respect to this matter should be addressed as follows:

By mail:        Mail Stop Petition  
                  Director for Patents  
                  P.O. Box 1450  
                  Alexandria, VA 22313-1450

By FAX:        (571)273-8300  
                  Attn: Office of Petitions

By hand:        Customer Service Window  
                  Mail Stop Petition  
                  Randolph Building  
                  401 Dulany Street  
                  Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to Carl Friedman at (571) 272-6842.

  
David Bucci  
Petitions Examiner  
Office of Petitions

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/820,111	Filing date:	06/21/2010
First Named Inventor:	Donald B. Grosser		
Title of the Invention:	METHODS, SYSTEMS, AND COMPUTER READABLE MEDIA FOR AUTOMATICALLY SELECTING BETWEEN INTERNET PROTOCOL SWITCHING MODES ON A PER-MODULE BASIS IN A PACKET FORWARDING DEVICE		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2011/028526

The international filing date of the corresponding PCT application(s) is/are: 03/15/2011

## I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

- ☒ Is attached.  
☐ Is not attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

- ☒ Is attached.  
☐ Is not attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

- ☒ Is attached.  
☐ Has already been filed in the above-identified U.S. application on \_\_\_\_\_

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

- ☒ Are attached.  
☐ Have already been filed in the above-identified U.S. application on \_\_\_\_\_




(continued)

Application No.:	12/820,111
First Named Inventor:	Donald B. Grosser

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature		Date February 7, 2012
Name (Printed/Typed)	Gregory A. Hunt	Registration Number 41,085

## CLAIMS

What is claimed is:

1. A method for automatically selecting a forwarding approach on a per-module basis, the method comprising:
  - 5 for an input/output (I/O) module in a multi-I/O-module packet forwarding device, the I/O module including a longest prefix matching (LPM) table and a Internet protocol forwarding database (IPFDB):
    - operating the I/O module in an LPM mode, wherein
    - operating the I/O module in an LPM mode includes populating
    - 10 the IPFDB with entries corresponding to active hosts, populating the LPM table with entries from an IP routing table with routes learned from IP routing protocols, and routing layer 3 packets received by the I/O module using the IPFDB and LPM table of the I/O module:
    - 15 determining a capacity of the LPM table;
    - determining a total number of IP routes in the IP routing table;
    - determining a relationship between the total number of IP routes in the IP routing table and the capacity of the LPM table;
    - 20 and
    - in response to determining that the total number of IP routes in the IP routing table has a predetermined relationship with the capacity of the LPM table, automatically switching the I/O module from the LPM mode to an IPFDB mode, where the
    - 25 IPFDB and the LPM table are populated with entries corresponding to active hosts and routing layer 3 packets received by the I/O module using the IPFDB and LPM table of the I/O module.
2. The method of claim 1 wherein the capacity of the LPM table includes a  
30 fixed, known quantity.
3. The method of claim 2 wherein determining the capacity of the LPM table includes determining one of a measure of the address space and the maximum number of routes supported by the LPM table.

4. The method of claim 2 wherein determining a relationship between the total number of IP routes and the capacity of the LPM table includes determining whether the number of IP routes is one of: less than a first threshold, exceeds the first threshold, or equal to the first threshold.
- 5 5. The method of claim 4 wherein the first threshold includes one of: a predetermined number of routes fewer than the capacity of the LPM table, a predetermined number of routes greater than the capacity of the LPM table, and equal to the capacity of the LPM table.
6. The method of claim 4 wherein the first threshold includes the number of  
10 IP routes that can be stored in the LPM table.
7. The method of claim 1 wherein the capacity of the LPM table includes an algorithm-determined quantity that depends on the data stored in the LPM table.
8. The method of claim 7 comprising, in response to determining that the  
15 the total number of IP routes has a predetermined relationship with the capacity of the LPM table, generating a notification and, in response to the notification, automatically switching the I/O module from the LPM mode to the IPFDB mode.
9. The method of claim 7 wherein determining a relationship between the  
20 total number of IP routes and the capacity of the LPM table includes determining whether the number of IP routes is one of: less than a first threshold, exceeds the first threshold, or equal to the first threshold.
10. The method of claim 9 wherein the first threshold includes one of: a  
25 predetermined number of routes fewer than the capacity of the LPM table, a predetermined number of routes greater than the capacity of the LPM table, and equal to the capacity of the LPM table.
11. The method of claim 9 wherein the first threshold includes the number of IP routes that can be stored in the LPM table.
12. The method of claim 1 comprising:  
30 determining whether the number of IP routes in the IP routing table is less than a second threshold; and

in response to determining that the number of IP routes in the IP routing table is less than the second threshold, switching from IPFDB mode to LPM mode.

13. The method of claim 12 further comprising:

5               determining whether the number of IP routes in the IP routing table is less than the second threshold for a predetermined period of time; and

                  in response to determining that the number of IP routes in the IP routing table is less than the second threshold for a predetermined period of time, switching from IPFDB mode to LPM mode.

14. The method of claim 1 wherein automatically switching from LPM mode to IPFDB mode includes deleting routes from the LPM table.

15. A packet forwarding device, the device comprising:

                  at least one input/output (I/O) module comprising:

15               a longest prefix matching (LPM) table;

                  an Internet protocol forwarding database (IPFDB);

                  wherein the I/O module operates in an LPM mode, wherein operating the I/O module in an LPM mode includes populating the IPFDB with entries corresponding to active hosts, populating the LPM table with entries from the IP routing table learned from IP routing protocols, and routing layer 3 packets received by the I/O module using the IPFDB and LPM table of the I/O module;

                  an automatic mode-selection module for:

25               determining a capacity of the LPM table;

                  determining a total number of IP routes in the IP routing table;

                  determining a relationship between the total number of IP routes in the IP routing table and the capacity of the LPM table; and

30               in response to determining that the total number of IP routes in the IP routing table has a predetermined relationship with the capacity of the LPM table, automatically switching the I/O

module from the LPM mode to an IPFDB mode, where operating the IPFDB and the LPM table are populated with entries corresponding to active hosts and layer 3 packets received by the I/O module are routed using the IPFDB and LPM table of the I/O module.

5

16. The packet forwarding device of claim 15 wherein the capacity of the LPM table includes a fixed, known quantity.

17. The packet forwarding device of claim 16 wherein the automatic mode-selection module is configured to determine one of a measure of the address space and the maximum number of routes supported by the LPM table.

10

18. The packet forwarding device of claim 16 wherein the automatic mode-selection module is configured to determine whether the number of IP routes is one of: less than a first threshold, exceeds the first threshold, or equal to the first threshold.

15

19. The packet forwarding device of claim 18 wherein the first threshold includes one of: a predetermined number of routes fewer than the capacity of the LPM table, a predetermined number of routes greater than the capacity of the LPM table, and equal to the capacity of the LPM table.

20

20. The packet forwarding device of claim 18 wherein the first threshold includes the number of IP routes that can be stored in the LPM table.

21. The packet forwarding device of claim 15 wherein the capacity of the LPM table includes an algorithm-determined quantity that depends on the data stored in the LPM table.

25

22. The packet forwarding device of claim 21 wherein the automatic mode-selection module is configured to generate, in response to determining that the total number of IP routes has a predetermined relationship with the capacity of the LPM table, a notification and, in response to the notification, automatically switch the I/O module from the LPM mode to the IPFDB mode.

30

23. The packet forwarding device of claim 21 wherein the automatic mode-selection module is configured to determine whether the number of IP

routes is one of: less than a first threshold, exceeds the first threshold, or equal to the first threshold.

24. The packet forwarding device of claim 23 wherein the first threshold includes one of: a predetermined number of routes fewer than the capacity of the LPM table, a predetermined number of routes greater than the capacity of the LPM table, and equal to the capacity of the LPM table.

25. The packet forwarding device of claim 23 wherein the first threshold includes the number of IP routes that can be stored in the LPM table.

26. The packet forwarding device of claim 15 wherein the automatic mode-selection module determines whether the number of IP routes in the IP routing table is less than a second threshold and, in response to determining that the number of IP routes in the IP routing table is less than the second threshold, switches from the IPFDB mode to the LPM mode.

27. The packet forwarding device of claim 15 wherein the automatic mode-selection module determines whether the number of IP routes in the IP routing table is less than the second threshold for a predetermined period of time and, in response to determining that the number of IP routes in the IP routing table is less than the second threshold for a predetermined period of time, switching from the IPFDB mode to the LPM mode.

28. The packet forwarding device of claim 16 wherein the automatic mode-selection module deletes IP routes from the LPM table when operating the I/O module in IPFDB mode.

29. A computer program product comprising computer-executable instructions embodied in a computer-readable medium for performing steps comprising:

for an input/output (I/O) module in a multi-I/O-module packet forwarding device, the I/O module including a longest prefix matching (LPM) table and a Internet protocol forwarding database (IPFDB), the I/O module:

operating the I/O module in an LPM mode, wherein  
operating the I/O module in an LPM mode includes populating  
the IPFDB with entries corresponding to hosts, populating the  
LPM table with entries from an IP routing table with routes  
5 learned from IP routing protocols, and routing layer 3 packets  
received by the I/O module using the IPFDB and LPM table of  
the I/O module:  
determining a capacity of the LPM table;  
determining a total number of IP routes in the IP routing  
10 table;  
determining a relationship between the total number of IP  
routes in the IP routing table and the capacity of the LPM table;  
and  
in response to determining that the total number of IP  
15 routes in the IP routing table has a predetermined relationship  
with the capacity of the LPM table, automatically switching from  
the LPM mode to an IPFDB mode, where the IPFDB and the  
LPM table are populated with entries corresponding to active  
hosts and layer 3 packets received by the I/O module are routed  
20 using the IPFDB and LPM table of the I/O module.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

**MAILED**

**FEB 22 2012**

**OFFICE OF PETITIONS**

**JENKINS, WILSON, TAYLOR & HUNT, P. A.**  
**3100 Tower Blvd.**  
**Suite 1200**  
**DURHAM NC 27707**

In re Application of : DECISION ON REQUEST TO  
Donald B. GROSSER et al. : PARTICIPATE IN PCT-PPH PROGRAM  
Application No. 12/820,111 : AND PETITION TO MAKE SPECIAL  
Filed: June 21, 2010 : UNDER 37 CFR 1.102(a)  
Atty. Docket No.: 1427/25/2  
For: METHODS, SYSTEMS, AND COMPUTER READABLE MEDIA FOR  
AUTOMATICALLY SELECTING BETWEEN INTERNET PROTOCOL SWITCHING  
MODES ON A PER-MODULE BASIS IN A PACKET FORWARDING DEVICE

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed February 7, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

- (1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;
- (2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;



(4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) examination of the U.S. application has not begun;

(6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;

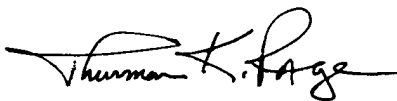
(7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

(8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

The request to participate in the PCT-PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427). All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to Technology Center Art Unit 2465 for action commensurate with this decision.

A handwritten signature in black ink, appearing to read "David Bucci", with a stylized flourish at the end.

David Bucci  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Arnold & Porter LLP (24126)  
Attn: SV Docketing Dept.  
1801 Page Mill Road  
Suite 110  
Palo Alto CA 94304

**MAILED**  
**JUL 20 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
GERBER et al.	:	
Application No. 12/820,122	:	DECISION DISMISSING PETITIONS
Filed: June 21, 2010	:	UNDER 37 CFR 1.78(a)(3) AND (a)(6)
Attorney Docket No.: GNE-0207D1	:	

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed May 25, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petition is **DISMISSED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.


Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop PETITIONS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     Customer Service Window  
                                    Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

By fax:                        (571) 273-8300  
                                    ATTN: Office of Petitions

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569.

  
David Bucc  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,141	06/22/2010	Benjamin James Ellis	141131-502	1620
37374 7590 10/04/2010 INSKEEP INTELLECTUAL PROPERTY GROUP, INC 2281 W. 190TH STREET SUITE 200 TORRANCE, CA 90504				
EXAMINER				
ART UNIT PAPER NUMBER				
3714				
NOTIFICATION DATE DELIVERY MODE				
10/04/2010 ELECTRONIC				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

inskeepstaff@inskeeplaw.com



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INSKEEP INTELLECTUAL PROPERTY GROUP, INC  
2281 W. 190TH STREET  
SUITE 200  
TORRANCE CA 90504

In re Application of	:	
ELLIS, BENJAMIN JAMES	:	DECISION ON REQUEST TO
Application No. 12/820,141	:	PARTICIPATE IN PATENT
Filed: June 22, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 141131-502	:	PILOT PROGRAM AND PETITION
For: GAMING APPARATUS AND	:	TO MAKE SPECIAL UNDER
SYSTEMS	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program under 37 CFR 1.102(d), filed Sep, 30, 2010, to make the above-identified application special.

The request and petition are DISMISSED.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the IPAU application(s) containing the allowable/patentable claim(s); and
- (6) Applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Item #5 above. The request to participate in the PPH pilot program and the petition fail to furnish a copy

of office actions from each of the IPAU application(s) or a PCT search opinion reports containing the allowable/patentable claim(s).

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Currently, this application is undergoing pre-examination processing.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

---

Henry C. Yuen  
Special Programs Examiner  
Technology Center 3700  
Tel: 571-272-4856



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,141	06/22/2010	Benjamin James Ellis	141131-502	1620

37374	7590	10/13/2010
INSKEEP INTELLECTUAL PROPERTY GROUP, INC		
2281 W. 190TH STREET		
SUITE 200		
TORRANCE, CA 90504		

EXAMINER	
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ART UNIT	PAPER NUMBER
3718	

NOTIFICATION DATE	DELIVERY MODE
10/13/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

inskeepstaff@inskeeplaw.com



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INSKEEP INTELLECTUAL PROPERTY GROUP, INC  
2281 W. 190TH STREET  
SUITE 200  
TORRANCE CA 90504

In re Application of	:	
ELLIS, BENJAMIN JAMES	:	DECISION ON REQUEST TO
Application No. 12/820,141	:	PARTICIPATE IN PATENT
Filed: June 22, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 141131-502	:	PILOT PROGRAM AND PETITION
For: GAMING APPARATUS AND	:	TO MAKE SPECIAL UNDER
SYSTEMS	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) pilot program under 37 CFR 1.102(d), filed October 7, 2010, to make the above-identified application special.

The request and petition are GRANTED.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the IPAU;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the IPAU application(s);
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the IPAU application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the IPAU application(s) containing the allowable/patentable claim(s); and
- (6) Applicant must submit an IDS listing the documents cited by the IPAU examiner in the IPAU office action along with copies of documents except U.S. patents or U.S. patent application publications.



The request to participate in the PPH pilot program and petition comply with the above requirements. This is to acknowledge the receipt of a list of IPAU allowed claims which correspond to the US claims. IDS listing the documents cited by the Australian examiner in the IPAU office along with copies of documents are also received. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to the Supervisory Patent Examiner, Peter Vo at 571-272-4690.

This application will be being forwarded to the examiner for action on the merits commensurate with this decision.

Petition is **granted**.

/Henry C. Yuen/

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Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



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P.O. BOX 1022  
MINNEAPOLIS, MN 55440-1022

**MAILED**  
**AUG 04 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
William Teague, et al. :  
Application No.: 12/820,169 :  
Filed: June 22, 2010 :  
Attorney Docket No.: 09857-0042002 :

ON PETITION

This is a decision on the petition, filed August 4, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on July 28, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 3684 for further processing of the request for continued examination under 37 CFR 1.114.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,172	06/22/2010	Chikara Tsutsui	1018775-001161	1688
21839 7590 10/27/2011 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER VILLALUNA, ERIKA J	
			ART UNIT 2852	PAPER NUMBER
			NOTIFICATION DATE 10/27/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com  
offserv@bipc.com



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BUCHANAN, INGERSOLL & ROONEY  
PC  
POST OFFICE BOX 1404  
ALEXANDRIA VA 22313-1404

In re Application of  
TSUTSUI et al.  
Application No.: 12/820,172  
Filed: June 22, 2010  
Attorney Docket No.: 1018775-001161

: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed June 22, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;

2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/Colleen Dunn/

Colleen Dunn  
Quality Assurance Specialist  
Technology Center 2800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,178	06/22/2010	Shu Yu Cao	VWS-115US	1699
26875 7590 08/23/2010 WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			EXAMINER	
			ART UNIT	PAPER NUMBER
			3766	
			MAIL DATE	DELIVERY MODE
			08/23/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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WOOD, HERRON & EVANS, LLP  
2700 CAREW TOWER  
441 VINE STREET  
CINCINNATI OH 45202

In re Application of	:	
CAO, SHU YU et al	:	DECISION ON REQUEST TO
Application No. 12/820,178	:	PARTICIPATE IN PATENT
Filed: June 22, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. VWS-115US	:	PILOT PROGRAM AND PETITION
For: CONTROL SYSTEM FOR AN	:	TO MAKE SPECIAL UNDER
ELECTRICAL GENERATOR AND	:	37 CFR 1.102(d)
METHOD FOR CONTROLLING AN	:	
ELECTRICAL GENERATOR	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program under 37 CFR 1.102(d), filed August 20, 2010, to make the above-identified application special.

The request and petition are GRANTED.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the DKPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the DKPTO application(s);
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DKPTO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the DKPTO application(s) containing the allowable/patentable claim(s); and
- (6) Applicant must submit an IDS listing the documents cited by the DKPTO examiner in the DKPTO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition comply with the above requirements. Receipt of the IDS statement is acknowledged. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to Carl Layno, the SPE of Art Unit 3766, 571-272-4949.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Petition is **granted**.

/Henry C. Yuen/

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Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,194	06/22/2010	Jiun Keat Ong	VWS-116US	1732
26875 7590 11/05/2010 WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202				
			EXAMINER DECADY, ALBERT	
			ART UNIT 2121	PAPER NUMBER
			MAIL DATE 11/05/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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Wood, Herron, & Evans LLP  
2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202

In re Application of: Jiun Keat Ong  
Application No. 12/820194  
Filed: June 22, 2010  
Atty. Docket No.: VWS-116US  
For: **Method and a system for controlling  
operation of a wind turbine**

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT PROSECUTION  
HIGHWAY PILOT PROGRAM AND  
PETITION TO MAKE SPECIAL UNDER 37  
CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 28, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
  - (a) a Paris Convention application which either
    - (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the DKPTO, or
    - (ii) validly claims priority to a PCT application that contains no priority claims,

Or

  - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - (i) validly claims priority to an application filed in the DKPTO, or
    - (ii) validly claims priority to a PCT application that contains no priority claims, or
    - (iii) contains no priority claim,

Or

  - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - (i) validly claims priority to an application filed in the DKPTO, or
    - (ii) validly claims priority to a PCT application that contains no priority claims, or
    - (iii) contains no priority claim.

- (2) Applicant must submit a copy of:
  - a. the allowable/patentable claim(s) from the DKPTO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- (3) Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DKPTO application(s) and
  - b. Submit a claims correspondence table in English;
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of ALL the office action(s) from each of the DKPTO application(s) containing the allowable/patentable claim(s)
  - b. An English language translation of the DKPTO Office action from (5)(a) above
  - c. A statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the DKPTO examiner in the DKPTO office action (unless already submitted in this application) along with copies of the documents except U.S. patents or U.S. patent application publications;

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

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Mano Padmanabhan  
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180  
571-272-4210



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WOOD HERRON & EVANS LLP (VESTAS WIND SYSTEMS)  
441 VINE STREET  
2700 CAREW TOWER  
CINCINNATI OH 45202

**MAILED**  
**FEB 23 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Jiun Keat Ong et al :  
Application No. 12/820,194 : DECISION GRANTING PETITION  
Filed: June 22, 2010 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. VWS-116US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, February 22, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on February 10, 2012 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2121 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,196	06/22/2010	Junji MURAUCHI	1018775-001160	1734
21839 7590 06/08/2011 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER GRAY, DAVID M	
			ART UNIT 2852	PAPER NUMBER
			NOTIFICATION DATE 06/08/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com  
offserv@bipc.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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**BUCHANAN, INGERSOLL & ROONEY PC**  
**POST OFFICE BOX 1404**  
**ALEXANDRIA VA 22313-1404**

**In re Application of**  
**MURAUCHI et al.**

**Application No.: 12/820,196**

**Filed: 22 June 2010**

**Attorney Docket No.: 1018775-001160**

**For: DEVELOPING APPARATUS AND**  
**IMAGE FORMING APPARATUS**  
**PROVIDED WITH THE SAME**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 27 May 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;

2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
TQAS, Technology Center 2800 – Semiconductors  
Electrical & Optical Systems & Components

as Site 9 (magnet site). The ASF allows for the possible exemption of one magnet site from the "sunset" time limits that generally apply to sites under the ASF, and the applicant proposes that Site 3 (JPA Blount Island Terminal Complex) be so exempted. Because the ASF only pertains to establishing or reorganizing a general-purpose zone, the application would have no impact on FTZ 64's authorized subzone.

In accordance with the Board's regulations, Maureen Hinman of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is January 10, 2011. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to January 24, 2011.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230-0002, and in the "Reading Room" section of the Board's Web site, which is accessible via <http://www.trade.gov/ftz>. For further information, contact Maureen Hinman at [maureen.hinman@trade.gov](mailto:maureen.hinman@trade.gov) or (202) 482-0627.

Dated: November 4, 2010.

**Andrew McGilvray,**  
Executive Secretary.

[FR Doc. 2010-28414 Filed 11-9-10; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Georgia Institute of Technology, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, as amended by Public Law 106-36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in Room 3720, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

**Docket Number:** 10-061. **Applicant:** Georgia Institute of Technology, Atlanta, GA 30333-0245. **Instrument:** Electron Microscope. **Manufacturer:** FEI Company, the Netherlands. **Intended Use:** See notice at 75 FR 62763, October 13, 2010.

**Docket Number:** 10-062. **Applicant:** Washington State University, Pullman, WA 99164-1020. **Instrument:** Electron Microscope. **Manufacturer:** FEI Company, Czech Republic. **Intended Use:** See notice at 75 FR 62763, October 13, 2010.

**Docket Number:** 10-063. **Applicant:** National Institutes of Health, Bethesda, MD 20892-8025. **Instrument:** Electron Microscope. **Manufacturer:** JEOL Limited, Japan. **Intended Use:** See notice at 75 FR 62723, October 13, 2010.

**Comments:** None received. **Decision:** Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. **Reasons:** Each foreign instrument is an electron microscope and is intended for research or scientific educational uses requiring an electron microscope. We know of no electron microscope, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of each instrument.

Dated: November 3, 2010.

**Richard Herring,**

Acting Director, Subsidies Enforcement  
Office, Import Administration.

[FR Doc. 2010-28416 Filed 11-9-10; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XA011**

#### Endangered and Threatened Wildlife and Plants; Proposed Listings for Two Distinct Population Segments of Atlantic Sturgeon in the Southeast

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of two public hearings.

**SUMMARY:** In December 2010, we (NMFS) will hold two public hearings—one in Wilmington, NC and one in Atlanta, GA. The purpose of these hearings is to accept comments on the proposed listing of the Carolina and South Atlantic distinct population segments (DPSs) of Atlantic sturgeon

(*Acipenser oxyrinchus oxyrinchus*) as endangered under the Endangered Species Act (ESA) of 1973, as amended.

**DATES:** The hearings will be held on December 6, 2010, from 6 to 9 p.m. in Wilmington, NC, and on December 7, 2010, from 6 to 9 p.m. in Atlanta, GA. An informational session will be held at the beginning of each hearing.

**ADDRESSES:** The public hearings will be held at the following locations:

- December 6, 2010, Coastline Conference and Event Center, 503 Nutt Street, Wilmington, NC 28401.
- December 7, 2010, Westin Atlanta Airport, 4736 Best Road, Atlanta, GA 30337.

#### FOR FURTHER INFORMATION CONTACT:

Kelly Shotts, NMFS, Southeast Regional Office (727) 824-5312 or Marta Nammack, NMFS, Office of Protected Resources (301) 713-1401.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 6, 2010, we published a proposed rule (75 FR 61904) to list the Carolina and South Atlantic DPSs of Atlantic sturgeon as endangered under the ESA. We will accept oral and written comments regarding the proposed listing decision for these two DPSs of Atlantic sturgeon at the public hearings.

##### Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kelly Shotts at (727) 824-5312 no later than November 29, 2010.

**Authority:** 16 U.S.C. 1531 *et seq.*

Dated: November 4, 2010.

**Helen M. Golde,**

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2010-28324 Filed 11-9-10; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

**[Docket No.: PTO-P-2010-0083]**

#### Expansion and Extension of the Green Technology Pilot Program

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Notice.

**SUMMARY:** On December 8, 2009, the United States Patent and Trademark Office (USPTO) implemented the Green



Technology Pilot Program, which permits patent applications pertaining to environmental quality, energy conservation, development of renewable energy resources, and greenhouse gas emission reduction to be advanced out of turn for examination and reviewed earlier (accorded special status). The program is designed to promote the development of green technologies. Initially, participation was limited to applications filed before December 8, 2009. The USPTO is hereby expanding the eligibility for the pilot program to include applications filed on or after December 8, 2009. The program is also being extended until December 31, 2011. These changes will permit more applications to qualify for the program, thereby allowing more inventions related to green technologies to be advanced out of turn for examination and reviewed earlier.

**DATES:** *Effective Date:* November 10, 2010.

**Duration:** The Green Technology Pilot Program will run until December 31, 2011, except that the USPTO will accept only the first 3,000 grantable petitions to make special under the Green Technology Pilot Program in unexamined applications irrespective of the filing date of the application.

**FOR FURTHER INFORMATION CONTACT:** Pinchus M. Laufer and Joni Y. Chang, Senior Legal Advisors, Office of Patent Legal Administration, Office of the Associate Commissioner for Patent Examination Policy, by telephone at 571-272-7726 or 571-272-7720; or by mail addressed to: Mail Stop Comments Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**SUPPLEMENTARY INFORMATION:** The USPTO published a notice for the implementation of the Green Technology Pilot Program on December 8, 2009. *See Pilot Program for Green Technologies Including Greenhouse Gas Reduction*, 74 FR 64666 (December 8, 2009), 1349 *Off. Gaz. Pat. Office* 362 (December 29, 2009) (*Green Technology Notice*). The pilot program is designed to promote the development of green technologies. The *Green Technology Notice* indicated that an applicant may have an application advanced out of turn and reviewed earlier (accorded special status) for examination, if the application pertained to green technologies including greenhouse gas reduction (applications pertaining to environmental quality, energy conservation, development of renewable energy resources or greenhouse gas emission reduction) and met other requirements specified in the *Green Technology Notice*. The USPTO

published a notice eliminating the classification requirement of the Green Technology Pilot Program on May 21, 2010. *See Elimination of the Classification Requirement in the Green Technology Pilot Program*, 75 FR 28554 (May 10, 2010), 1355 *Off. Gaz. Pat. Office* 188 (June 15, 2010).

The *Green Technology Notice* required *inter alia* that an application be filed before December 8, 2009, the date of the original notice, to participate in the program. The *Green Technology Notice* also established that the program would run for twelve months from December 8, 2009. The USPTO is hereby expanding the eligibility for the pilot program to include unexamined non-reissue non-provisional utility applications filed on or after December 8, 2009. The USPTO is also extending the pilot program through December 31, 2011. Specifically, the Green Technology Pilot Program will run until 3,000 petitions have been granted (as set forth in the *Green Technology Notice*) or until December 31, 2011, whichever occurs earlier. Accordingly, if fewer than 3,000 grantable petitions are received, the pilot program will end on December 31, 2011. These changes will permit more applications to qualify for the pilot program, thereby allowing more inventions related to green technologies to be advanced out of turn for examination and reviewed earlier. Information concerning the number of petitions that have been filed and granted under the Green Technology Pilot Program is available on the USPTO's Internet Web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp). The USPTO may again extend the pilot program (with or without modifications) depending on the feedback from the participants and the effectiveness of the pilot program.

Applicants whose petitions were dismissed or denied solely on the basis that their applications were not filed before December 8, 2009, may file a renewed petition. If the renewed petition is filed within one month of the publication date of this notice, it will be given priority as of the date applicant filed the initial petition.

Dated: October 15, 2010.

**David J. Kappos,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2010-28394 Filed 11-9-10; 8:45 am]

**BILLING CODE 3510-16-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-957]

#### **Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** Based on affirmative final determinations by the Department of Commerce ("the Department") and the International Trade Commission ("ITC"), the Department is issuing a countervailing duty order on certain seamless carbon and alloy steel standard, line, and pressure pipe ("seamless pipe") from the People's Republic of China ("PRC"). Also, as explained in this notice, the Department is amending its final determination to correct certain ministerial errors.

**DATES:** *Effective Date:* November 10, 2010.

**FOR FURTHER INFORMATION CONTACT:** Shane Subler, Joseph Shuler, and Matthew Jordan, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; *telephone:* (202) 482-0189, (202) 482-1293, and (202) 482-1540, respectively.

#### **Background**

On September 21, 2010, the Department published its final determination that countervailable subsidies are being provided to producers and exporters of seamless pipe from the PRC. *See Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from the People's Republic of China: Final Affirmative Countervailing Duty Determination, Final Affirmative Critical Circumstances Determination*, 75 FR 57444 (September 21, 2010) ("*Final Determination*").

On November 4, 2010, the ITC notified the Department of its final determination pursuant to sections 705(b)(1)(A)(ii) and 705(d) of the Tariff Act of 1930, as amended ("the Act"), that an industry in the United States is threatened with material injury by reason of subsidized imports of subject merchandise from the PRC. The ITC also determined that critical circumstances do not exist. *See Certain Seamless Carbon and Alloy Steel Standard, Line,*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Penev, Krassimire Mihaylov et al.

Attorney Docket: WHE-PEN-1

Serial No. 12/280,241

Group Art Unit: 3749

Filed: June 22, 2010

Customer No.: 63704

Title: Hybrid Water Heating System

Confirmation No.: 1812

Honorable Commissioner for Patents

Alexandria, VA 22313

RENEWED PETITION FOR MAKING THIS APPLICATION SPECIAL AND  
ENTERED INTO THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

A petition to make this application special and entered into the green technology pilot program was filed June 22, 2010. That petition was denied in a decision rendered June 24, 2010. The sole basis for denial was that the present application was not eligible because of its filing date after December 8, 2009 (74 FR 64666).

While that decision was correct at the time, there has since been an expansion and extension of the Green Technology Pilot Program as of October 15, 2010 (published at 75 FR 69049 on November 10, 2010). Accordingly, the requirements for eligibility into the Green Technology Pilot Program has now been extended to include applications filed on or after December 8, 2009. A courtesy copy of the published notice is attached.

Accordingly, it is requested that is submission be treated as a renewed petition for making the present application special and entered into the green technology pilot

Serial No. 12/820,241  
Renewed Petition Dated November 30, 2010  
Page 2

program. Kindly reconsider the petition filed June 22, 2010 in view of the updated eligibility requirements.

Respectfully submitted,

/robert hess/

Robert J. Hess, reg. no. 32139  
Hess Patent Law Firm  
9 Miramar Lane, Stamford, CT 06902  
phone 203 356-0727



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,241	06/22/2010	Krassimire Mihaylov Penev	WHE-PEN-1	1812

63704 7590 12/07/2010

HESS PATENT LAW FIRM, P.C.

9 MIRAMAR LANE

STAMFORD, CT 06902

EXAMINER
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ART UNIT	PAPER NUMBER
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3744

MAIL DATE	DELIVERY MODE
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12/07/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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HESS PATENT LAW FIRM, P.C.  
9 MIRAMAR LANE  
STAMFORD CT 06902

In re Application of	:	
PENEV, KRASSIMIRE MIHAYLOV et al	:	DECISION ON PETITION
Application No. 12/820,241	:	TO MAKE SPECIAL UNDER
Filed: June 22, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. WHE-PEN-1	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed Nov. 30, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Date

: February 17, 2012

Patent No. :8083109  
Ser. No. :12820285  
Inventor(s) : Mark A. Smith, Daniel Petriekis  
Issued :December 27, 2011  
Title :SPOUT FOR ENSURING EVACUATION OF A FLEXIBLE CONTAINER

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

*In the Request*, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS

Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: Customer Service Window  
Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (703) 872-9306  
ATTN: Office of Petitions

Electronic Filing [uspto.gov/ebc/index.html](http://uspto.gov/ebc/index.html)  
(must be registered as an e-filer to submit responses)  
Support 1-866-217-9197 571-272-4100

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Any inquiry concerning this communication should be directed to Ms. A. Green at 571.272.9005.



For Mary Diggs  
Decisions & Certificates  
of Correction Branch

(703) 756-1580 or (571) 272-9005

Rockey, Depke & Lyons, LLC  
233 S. Wacker Dr., Suite 9390  
Chicago, IL 60606

/arg





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P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Goodwin Procter LLP  
Attn: Patent Administrator  
135 Commonwealth Drive  
Menlo Park CA 94025-1105

**MAILED**

**JAN 18 2011**

**OFFICE OF PETITIONS**

In re Application of  
Virendra Kumar Mehta et al.  
Application No. 12/820,291  
Filed: June 22, 2010  
Attorney Docket No. **BOJ 0001**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 5, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



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**MAILED**

**APR 07 2011**

**OFFICE OF PETITIONS**

**THOMPSON HINE L.L.P.**  
**Intellectual Property Group**  
**P.O. BOX 8801**  
**DAYTON OH 45401-8801**

In re Application of	:	
Jason V. Shugart et al.	:	
Application No. 12/820,350	:	DECISION ON PETITION
Filed: June 22, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 076105-00002	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 10, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes an affidavit by inventor Roger C. Scherer attesting to his/her age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1765 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Robert William Delmerico )  
Confirmation No.: 2001 )  
Serial No.: 12/820,354 )  
Filing Date: 06-22-2010 )  
Atty Docket No.: 242145-1 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: December 14, 2010

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0551-0062

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 242145-1	Application Number (if known): 12/820,354	Filing date: 06-22-2010
----------------------------------	---	-------------------------

First Named Inventor: Robert William Delmerico

Title: POWER CONVERSION SYSTEM AND METHOD FOR A ROTARY POWER GENERATION SYSTEM

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/

Date 12-14-2010

Name Douglas D. Zhang  
(Print/Typed)

Registration Number 37,985

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,354	06/22/2010	Robert William Delmerico	242145-1	2001

6147	7590	12/23/2010
GENERAL ELECTRIC COMPANY		
GLOBAL RESEARCH		
ONE RESEARCH CIRCLE		
BLDG. K1-3A59		
NISKAYUNA, NY 12309		

EXAMINER	
GONZALEZ, JULIO C	

ART UNIT	PAPER NUMBER
2839	

NOTIFICATION DATE	DELIVERY MODE
12/23/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ldocket@crd.ge.com  
rosssr@ge.com  
gpodckt.mail@ge.com



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GENERAL ELECTRIC COMPANY  
GLOBAL RESEARCH  
ONE RESEARCH CIRCLE  
BLDG. K1-3A59  
NISKAYUNA NY 12309

In re Application of	:	
DELMERICO et al.	:	DECISION ON PETITION
Application No. 12/820,354	:	TO MAKE SPECIAL UNDER
Filed: June 22, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 242145-1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on December 15, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

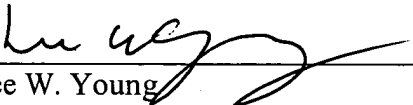
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2839 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800





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Townsend and Townsend and Crew LLP / Pulmonx 017534  
Two Embarcadero Center, Eighth Floor  
San Francisco CA 94111-3834

**MAILED**

**MAY 20 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Michael J. Hendricksen et al.	:	
Application No. 12/820,393	:	
Filed: June 22, 2010	:	DECISION ON PETITION
Attorney Docket No. 017534-005720US	:	TO WITHDRAW
	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 10, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request is not approved because the practitioner(s) lacks items (1) (2) and (3) certifications mention above that is required under 37 CFR 10.40. It is also noted, that the request failed to list a correspondence address for either the first named inventor or the assignee of record. Therefore, the request can not be granted at this time we strongly encourage petitioner to use the enclosed Request for Withdrawal as Attorney or Agent and Change of Correspondence Address form PTO/SB/83.

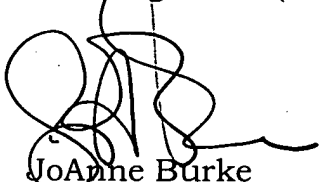
The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', with a stylized, looping flourish at the end.

JoAnne Burke  
Petitions Examiner  
Office of Petitions

Attachment: Blank Request for Withdrawal as Attorney or Agent and Change of Correspondence Address (PTO/SB/83) form



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**TOWNSEND AND TOWNSEND AND CREW LLP /PULMONX 017534  
TWO EMBARCADERO CENTER, EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834**

**MAILED**

**JUN 20 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Rodney C. Perkins, et al.	:	DECISION ON PETITION
Application No. 12/820,402	:	TO WITHDRAW
Filed: June 22, 2010	:	FROM RECORD
Attorney Docket No. 017534-000770US	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed May 16, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **KNOBBE MARTENS OLSON & BEAR LLP**  
**2040 MAIN STREET**  
**FOURTEENTH FLOOR**  
**IRVINE, CA 92614**



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THE LAW FIRM OF  
ANDREA HENCE EVANS, LLC  
14625 BALTIMORE AVE  
#853  
LAUREL MD 20707

**MAILED**  
JAN 30 2012  
OFFICE OF PETITIONS

In re Application of :  
M. CARTER ALSTON :  
Application No. 12/820,407 : DECISION ON PETITION  
Filed: June 22, 2010 :  
Attorney Docket No. ALSTON :

This is a decision on the petition under 37 CFR 1.182, filed November 15, 2011, to change the name of the inventor from "SHIRLEY M. CARTER ALSTON WATERS" to -SHIRLEY M. CARTER ALSTON--.

The petition is **GRANTED**.

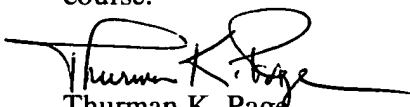
Office records have been corrected to reflect the change in the inventor's name. A corrected Filing Receipt, which sets forth the desired inventor's name, accompanies this decision on petition.

The petition fee of \$400 under 37 CFR 1.182 has been paid.

Telephone inquiries regarding this decision should be directed to Diane Goodwyn at (571) 272-6735.

All other inquiries should be directed to the Technology Center at (571) 272-3600.

This application is being referred to Technology Center AU 3632 for further examination in due course.

  
Thurman K. Page  
Petitions Examiner  
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/820,407	06/22/2010	3632	462	Alston	12	3

CONFIRMATION NO. 2105

CORRECTED FILING RECEIPT



OC000000051875263

94264

THE LAW FIRM OF  
ANDREA HENCE EVANS, LLC  
14625 BALTIMORE AVE  
#853  
LAUREL, MD 20707

Date Mailed: 01/09/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

**Applicant(s)**

Shirley M. Carter Alston, Glen Burnie, MD;

**Power of Attorney:** The patent practitioners associated with Customer Number 94264

**Domestic Priority data as claimed by applicant**

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

**If Required, Foreign Filing License Granted:** 06/29/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/820,407**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

Lid Support Device

**Preliminary Class**

248

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER****Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

---

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,444	06/22/2010	Chikara TSUTSUI	1018775-001162	2175
21839	7590	06/14/2011		
BUCHANAN, INGERSOLL & ROONEY PC			EXAMINER	
POST OFFICE BOX 1404			ROYER, WILLIAM J	
ALEXANDRIA, VA 22313-1404				
			ART UNIT	PAPER NUMBER
			2852	
			NOTIFICATION DATE	DELIVERY MODE
			06/14/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com  
offserv@bipc.com



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**BUCHANAN, INGERSOLL & ROONEY PC  
POST OFFICE BOX 1404  
ALEXANDRIA VA 22313-1404**

**In re Application of  
TSUTSUI et al.**

**Application No.: 12/820,444**

**Filed: 22 June 2010**

**Attorney Docket No.: 1018775-001162**

**For: DEVELOPING APPARATUS AND  
IMAGE FORMING APPARATUS  
PROVIDED WITH THE SAME**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 27 May 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;


2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

  
Lee W. Young  
TQAS, Technology Center 2800 – Semiconductors  
Electrical & Optical Systems & Components

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: FMC 3196 PUS (83159550)

Application Number  
(if known): 12820479

Filing date: June 22, 2010

First Named  
Inventor: David Brian Glickman

Title: AIRFLOW CONTROL DEVICE FOR AN AUTOMOTIVE VEHICLE

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement to Make Special

Signature /Gary A. Smith/

Date March 3, 2011

Name Gary A. Smith  
(Print/Typed)

Registration Number 39376

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

David Brian Glickman

Serial No.: 12/820,479

Filed: June 22, 2010

For: AIRFLOW CONTROL DEVICE FOR AN AUTOMOTIVE  
VEHICLE

Group Art Unit: 3612

Examiner: Unknown

Attorney Docket No.: 83159550 (FMC 3196 PUS)

**STATEMENT SUPPORTING ELIGIBILITY REQUIREMENT OF  
THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Statement of Special Status for the Eligibility Requirement is being filed concurrently with a Petition To Make Special Under the Green Technology Pilot Program (PTO/SB/420), and pursuant to the requirements of 74 Fed. Reg. 64,666 (Dec. 8, 2009), as amended by 75 Fed. Reg. 28, 554 (May 21, 2010) and 75 Fed. Reg. 68049 (Nov. 10, 2010).

Applicant respectfully submits that the above-identified application is eligible for the “Green Technology Pilot Program” as materially contributing to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions.

As explained in the specification, the claimed airflow control device is intended to simultaneously a) reduce the aerodynamic drag experienced by an automotive vehicle and b) provide improved cooling of powertrain components to thereby improve operating efficiencies. See, for example, page 5, lns. 13-14; page 6, lns. 2-5; and page 7, lns. 11-15. Further, actual road

tests of a vehicle equipped with the claimed airflow control device have shown a significant improvement in fuel economy as compared with a similar vehicle not so equipped. As such, the claimed invention materially contributes to conservation of energy resources and/or the reduction of greenhouse gas emissions.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

The publication fee under 37 C.F.R. § 1.18(d) of \$300 has been paid upon filing. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

**David Brian Glickman**

By: /Gary A. Smith/

Gary A. Smith

Reg. No. 39,376

Attorney for Applicant

Date: March 3, 2011

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,479	06/22/2010	David Brian Glickman	83159550	2233
28395 7590 03/15/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER MCALLISTER, STEVEN B	
			ART UNIT 3749	PAPER NUMBER
			MAIL DATE 03/15/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

In re Application of	:	
GLICKMAN, DAVID BRIAN	:	DECISION ON PETITION
Application No. 12/820,479	:	TO MAKE SPECIAL UNDER
Filed: June 22, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83159550	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 3, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed



invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d). The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items #4 and # 8.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. In the petition, petitioner states that the claims of the application are directed to energy conservation, or greenhouse gas reduction. This is not persuasive because it is not clear how the claimed upper and lower sections will contribute to enhancement of the quality of the environment and reduction of greenhouse gas emission. The claimed auto bodies have nothing to do with green technologies.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee \$300.00 as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. This application will be forwarded to the Technology Center Art Unit 3747 for action in its regular turn.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

David Brian Glickman

Serial No.: 12/820,479

Filed: June 22, 2010

For: AIRFLOW CONTROL DEVICE FOR AN AUTOMOTIVE  
VEHICLE

Group Art Unit: 3612

Examiner: Unknown

Attorney Docket No.: 83159550 (FMC 3196 PUS)

**REQUEST FOR RECONSIDERATION OF PETITION TO MAKE  
SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Decision on the Petition mailed March 15, 2011, Applicant respectfully requests reconsideration of the petition and Statement in support filed March 3, 2011 for the reasons stated herein.

Applicant hereby requests early publication in compliance with 37 C.F.R. § 1.219. The publication fee under 37 C.F.R. § 1.18(d) of \$300 is enclosed herewith. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

In the decision dismissing the petition, it was stated that the petition lacked item #4, i.e. a statement pertaining to the materiality standard. Applicant respectfully disagrees as a statement in support of the materiality standard was filed with the petition on March 3, 2011. The Examiner states that it is not clear how the claimed invention, which is directed to devices for

improving aerodynamic efficiency and reducing drag, meets the requirements. However, this was explained in detail in the statement submitted on March 3, 2011.

As recited in the claims, the airflow control device comprises "... an upper section ... oriented to direct airflow ... toward an air-receiving powertrain component ..." and "... a lower section ... to deflect airflow away from an underside of the vehicle." (Claim 1) The claimed combination of upper and lower sections serves to reduce aerodynamic drag on the moving vehicle and simultaneously improve cooling of the vehicle powertrain components.

As recited in claims 4 and 10, the device further comprises a scoop channel having at least one end surface having a trailing edge parallel with a forward face of the air-requiring powertrain component. The overall effect of the scoop portion is to prevent drag-inducing "spillage" of airflow entering engine compartment and simultaneously increase the amount of airflow supplied to inter-cooler.

As recited in claims 5 and 11, the device further comprises an integral hinge connecting the upper and lower portions. As explained at page 7, lns. 11-15, this hinge allows the lower portion of the airflow control device to deflect without sustaining any damage, so that its normal (undeflected) position may be farther forward and lower, where it provides greater aerodynamic efficiency benefits.

As recited in claims 6, 12, and 13, the integral hinge has an S-shaped cross section permitting both forward and rearward folding. The configuration of the hinge is critical to the improvements in aerodynamic efficiency, because it allows the bottom edge of the lower portion to be positioned close to the road surface without being damaged by bumps or other unevenness in the road surface.

As described in detail above, the claimed airflow control device and the claimed vehicle front end structure materially contribute to conservation of energy resources and the reduction of greenhouse gas emissions by improving the fuel efficiency of vehicles.

For the reasons above, Applicant respectfully requests the Examiner to reconsider the decision and grant the petition.

Respectfully submitted,  
**David Brian Glickman**

By: /Gary A. Smith/  
Gary A. Smith  
Reg. No. 39,376  
Attorney for Applicant

Date: April 12, 2011

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,479	06/22/2010	David Brian Glickman	83159550	2233
28395 7590 05/04/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER MCALLISTER, STEVEN B	
			ART UNIT 3749	PAPER NUMBER
			MAIL DATE 05/04/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

In re Application of	:	
GLICKMAN, DAVID BRIAN	:	DECISION ON PETITION
Application No. 12/820,479	:	TO MAKE SPECIAL UNDER
Filed: June 22, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83159550	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed April 12, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d). The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12820481	
Filing Date	22-Jun-2010	
First Named Inventor	William Martin	
Art Unit	3725	
Examiner Name	MARK ROSENBAUM	
Attorney Docket Number	7299	
Title	SYSTEM FOR CONTROLLING COAL FLOW IN A COAL PULVERIZER	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> <li>(1) Petition fee;</li> <li>(2) Reply and/or issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;</li> <li>(4) Statement that the entire delay was unintentional.</li> </ol>		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p><b>Issue Fee and Publication Fee :</b></p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<b>Drawing corrections and/ or other deficiencies.</b>		



- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/emarich/
Name	Eric Marich
Registration Number	32265



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 9, 2012

In re Application of :

William Martin

Application No : 12820481

Filed : 22-Jun-2010

Attorney Docket No : 7299

### DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed February 9, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **83143758** Application Number (if known): **12/820,494** Filing date: **June 22, 2010**

First Named Inventor: **PATRICK DANIEL MAGUIRE**

Title: **Voltage Detection in a Battery**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement to Make Special

Signature /Donald J. Harrington/

Date **April 4, 2011**

Name (Print/Typed) **Donald J. Harrington**

Registration Number **17,427**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,494	06/22/2010	Patrick Daniel Maguire	83143758	2257
28395 7590 05/25/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238				
			EXAMINER WANG, EUGENIA	
			ART UNIT 1726	PAPER NUMBER
			MAIL DATE 05/25/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

MAY 25 2011

In re Application of

Maguire

Application No. 12/820,494

Filed: 6/22/2010

Attorney Docket No. 83143758

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY  
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 4/4/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1726 for action on the merits commensurate with this decision.

/Tom Dunn/

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Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: GEVO-027/04US 310142-2

Application Number  
(if known): 12/820,505

Filing date: June 22, 2010

First Named  
Inventor: Reid M. Renny FELDMAN

Title: YEAST ORGANISM PRODUCING ISOBUTANOL AT A HIGH YIELD

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: (1) Preliminary Amendment and (2) Statement of Special Status

Signature /Paul A. Wickman/

Date February 11, 2011

Name Paul A. Wickman  
(Print/Typed)

Registration Number 61,242

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,505	06/22/2010	Reid M. Renny Feldman	GEVO-027/04US 310142-2168	2279
58249	7590	02/24/2011	EXAMINER	
COOLEY LLP ATTN: Patent Group Suite 1100 777 - 6th Street, NW WASHINGTON, DC 20001			RAMIREZ, DELIA M	
			ART UNIT	PAPER NUMBER
			1652	
			MAIL DATE	DELIVERY MODE
			02/24/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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FEB 24 2011

COOLEY LLP  
ATTN: Patent Group  
Suite 1100  
777 - 6th Street, NW  
WASHINGTON DC 20001

In re Application of	:	
FELDMAN, Reid <i>et al.</i>	:	DECISION ON PETITION
Application No. 12/820505	:	TO MAKE SPECIAL UNDER
Filed: June 22, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. GEVO-027/04US 310142-2168	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed February 11<sup>th</sup>, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1652 for action on the merits commensurate with this decision.

/Manjunath Rao/

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Manjunath Rao  
Supervisory Patent Examiner &  
POC for TC 1600 Green Tech Petitions  
Technology Center 1600

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **81199906** Application Number (if known): **12/820,517** Filing date: **June 22, 2010**

First Named Inventor: **Patrick Daniel Maguire et al.**

Title: **Support Assembly for an Array of Battery Cells**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement to Make Special

Signature /Donald J. Harrington/

Date **April 4,2011**

Name (Print/Typed) **Donald J. Harrington**

Registration Number **17,427**

**Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.**



\*Total of 1 forms are submitted.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,517	06/22/2010	Patrick Daniel Maguire	8119906	2299
28395 7590 05/25/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER BUCHANAN, JACOB	
			ART UNIT 1725	PAPER NUMBER
			MAIL DATE 05/25/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

**MAY 25 2011**

In re Application of	:	
Maguire et al.	:	DECISION ON PETITION
Application No. 12/820,517	:	TO MAKE SPECIAL UNDER
Filed: 6/22/2010.	:	THE GREEN TECHNOLOGY
Attorney Docket No. 8119906	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 4/4/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1725 for action on the merits commensurate with this decision.

/Tom Dunn/

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Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,529	06/22/2010	Peter Nielsen	VWS-114US	2324
26875 7590 08/27/2010 WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			EXAMINER	
			ART UNIT	PAPER NUMBER
			2833	
			MAIL DATE	DELIVERY MODE
			08/27/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**WOOD, HERRON & EVANS, LLP**  
**2700 CAREW TOWER**  
**441 VINE STREET**  
**CINCINNATI OH 45202**

**In re Application of**  
**NIELSEN et al.**  
**Application No.: 12/820,529**  
**Filed: 22 June 2010**  
**Attorney Docket No.: VWS-114US**  
**For: WIND POWER PLANT**  
**PREDICTIVE PROTECTION CIRCUIT**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 16 August 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the DKPTO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the DKPTO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the DKPTO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;

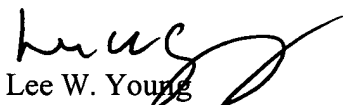
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the DKPTO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the DKPTO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the DKPTO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the DKPTO application is a first action allowance then no office action from the DKPTO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the DKPTO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the DKPTO examiner in the DKPTO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.



Lee W. Young  
TQAS  
Technology Center 2800



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Townsend and Townsend and Crew LLP /Pulmonx 017534  
Two Embarcadero Center, Eighth Floor  
San Francisco CA 94111-3834

**MAILED**

**MAY 27 2011**

In re Application of

Nikolai Aljuri et al.

Application No. 12/820,547

Filed: June 22, 2010

Attorney Docket No. 017534-003730US

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW**

**FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 18, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request is not approved because the practitioner(s) lacks items (1) (2) and (3) certifications mention above that is required under 37 CFR 10.40. It is also noted, that the request failed to list a correspondence address for either the first named inventor or the assignee of record. Therefore, the request can not be granted at this time we strongly encourage petitioner to use the enclosed Request for Withdrawal as Attorney or Agent and Change of Correspondence Address form PTO/SB/83.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.



JoAnne Burke  
Petitions Examiner  
Office of Petitions

Attachment: Blank Request for Withdrawal as Attorney or Agent and Change of Correspondence Address (PTO/SB/83) form



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P.O. Box 1450  
Alexandria, VA 22313-1450  
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**CHOATE, HALL & STEWART/CITRIX SYSTEMS, INC.  
TWO INTERNATIONAL PLACE  
BOSTON MA 02110**

**MAILED**

**NOV 22 2010**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Manikam MUTHIAH, et al	:	
Application No. 12/820,607	:	<b>DECISION ON PETITION</b>
Filed: June 22, 2010	:	<b>TO WITHDRAW</b>
Attorney Docket No. 2006579-2056 (CTX-502)	:	<b>FROM RECORD</b>
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed November 10, 2010.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Brenda Herschbach Jarrell does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/DCG/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



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THE FARRELL LAW FIRM, P.C.  
290 Broadhollow Road  
Suite 210E  
Melville NY 11747

**MAILED**  
**MAR 08 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Pyo et al. : DECISION ON PETITION  
Application No. 12/820,646 :  
Filed: 06/22/2010 : *ACCEPTANCE OF COLOR*  
Atty. Docket Number: 678-3949 (P17479) : *DRAWINGS*

This is a decision on the petition under 37 C.F.R. 1.84(a)(2) received in the United States Patent and Trademark Office (USPTO) on June 22, 2010.

The petition is **GRANTED**.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

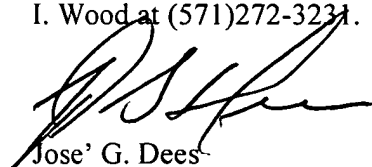
- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore the petition is **GRANTED**.

The application is referred to Technology Center Art Unit 2872 for further processing.

Telephone inquiries regarding this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571)272-3231.

  
Jose' G. Dees  
Petitions Examiner  
Office of Petitions



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**MAILED**

**JUN 30 2011**

**OFFICE OF PETITIONS**

JOHN S. BEULICK (17851)  
ARMSTRONG TEASDALE LLP  
7700 Forsyth Boulevard  
Suite 1800  
St. Louis, MO 63105

In re Application of Khanke et al.	:	
Application No. 12/820,666	:	Decision on Petition
Filing Date: June 22, 2010	:	
Attorney Docket No. 241235(17851-721)	:	

This is a decision on the petition under 37 CFR 1.182 filed June 3, 2011.

An executed declaration filed June 22, 2010, identified the second inventor as "P. Thrishul." The petition states the second inventor's name is actually "Thrishul Patil." The petition requests correction of the second inventor's name.

The petition is **granted**.

Office records have been changed to indicate the second inventor is Thrishul Patil, and a corrected filing receipt is enclosed.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions

Enclosure:     Corrected Filing Receipt





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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/820,666	06/22/2010	2858	1090	241235 (17851-721)	20	3

CONFIRMATION NO. 2552

CORRECTED FILING RECEIPT



OC000000048457420

45364  
JOHN S. BEULICK (17851)  
ARMSTRONG TEASDALE LLP  
7700 Forsyth Boulevard  
Suite 1800  
St. Louis, MO 63105

Date Mailed: 06/28/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

**Applicant(s)**

Satish Sharadrao Khanke, Aurangabad, INDIA;  
Thrishul Patil, Sadasivpet, INDIA;

**Power of Attorney:** The patent practitioners associated with Customer Number 45364

**Domestic Priority data as claimed by applicant**

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

**If Required, Foreign Filing License Granted:** 06/30/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/820,666**

**Projected Publication Date:** 12/22/2011

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

METHOD AND SYSTEM FOR INDICATING FAULTS IN AN ELECTRICITY METER

**Preliminary Class**

324

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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MICHAEL N. HAYNES  
1341 HUNTERSFIELD CLOSE  
KESWICK VA 22947

MAILED

MAR 26 2012

In re Application of  
Victor Iannello et al  
Application No. 12/820,698  
Filed: June 22, 2010  
Attorney Docket No. 1024-061

OFFICE OF PETITIONS

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 9, 2012.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.


The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

***An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.***

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,760	06/22/2010	EswaraRao V. S. J. Anjuri	240849-1 (22402-214)	2725

45432 7590 04/15/2011

PATRICK W. RASCHE (22402)  
ARMSTRONG TEASDALE LLP  
7700 Forsyth Boulevard  
Suite 1800  
St. Louis, MO 63105

EXAMINER
----------

ART UNIT	PAPER NUMBER
3745	

NOTIFICATION DATE	DELIVERY MODE
04/15/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USpatents@armstrongteasdale.com



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PATRICK W. RASCHE (22402)  
ARMSTRONG TEASDALE LLP  
7700 Forsyth Boulevard  
Suite 1800  
St. Louis MO 63105

In re Application of	:	
ANJURI, ESWARARAO V. S. J. et al	:	DECISION ON PETITION
Application No. 12/820,760	:	TO MAKE SPECIAL UNDER
Filed: June 22, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 240849/1(22402/214)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 23, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii)

greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



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CONLEY ROSE, P.C.  
5601 GRANITE PARKWAY, SUITE 750  
PLANO TX 75024

AUG 02 2010  
DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600

In re Application of:  
DAI, JINLIANG et al.  
Serial No.: 12/820,738  
Filed: June 22, 2010

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **METHOD AND APPARATUS FOR  
SPEECH SIGNAL PROCESSING**

This is a decision on the petition filed on June 22, 2010 requesting to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.
3. Office action:  
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an



interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

/Michael Horabik/

---

Quality Assurance Specialist  
Technology Center 2600  
Communications



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,745	06/22/2010	Dongyu GENG	11005.0206-01000	2702
97664 7590 10/15/2010 Huawei Technologies Co., Ltd./Finnegan 901 New York Avenue NW Washington, DC 20001			EXAMINER TORRES, JOSEPH D	
			ART UNIT 2112	PAPER NUMBER
			MAIL DATE 10/15/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve-month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application. In addition, Applicant is reminded that due to the dismissal of the previous petition submission, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Brian Johnson, Quality Assurance Specialist, at (571) 272-3595. If attempts to reach the undersigned by telephone are unsuccessful, Kakali Chaki, Quality Assurance Specialist, can be reached at (571) 272-3719.

  
\_\_\_\_\_  
Brian Johnson, Quality Assurance Specialist  
Technology Center 2100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: EswaraRao V. S. J. ANJURI )  
Confirmation No.: 2725 )  
Serial No.: 12/820,760 )  
Filing Date: June 22, 2010 )  
Atty Docket No.: 240849-1 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: January 25, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0551-0062

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 240849-1	Application Number (if known): 12/820,760	Filing date: June 22, 2010
First Named Inventor: Eswara Rao V. S. J. ANJURI		
Title: VORTEX GENERATOR ASSEMBLY FOR USE WITH A WIND TURBINE ROTOR BLADE AND METHOD FOR ASSEMBLING A WIND TURBINE ROTOR BLADE		
<b>APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.</b>		
This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.		
1. By filing this petition:  <b><u>Applicant is requesting early publication:</u> Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.</b>		
2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.		
3. This request is accompanied by statements of special status for the eligibility requirement.		
4. The application contains no more than three (3) independent claims and twenty (20) total claims.		
5. The application does not contain any multiple dependent claims.		
6. Other attachments: <u>Statement Concerning the Basis for the Special Status</u>		

Signature: /Douglas D. Zhang/	Date: January 25, 2011
Name: Douglas D. Zhang (Print/Typed)	Registration Number: 37,985
<b>Note:</b> Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below.	
<input type="checkbox"/> *Total of _____ forms are submitted.	

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,760	06/22/2010	EswaraRao V. S. J. Anjuri	240849-1 (22402-214)	2725
45432 7590 02/23/2011 PATRICK W. RASCHE (22402) ARMSTRONG TEASDALE LLP 7700 Forsyth Boulevard Suite 1800 St. Louis, MO 63105				
EXAMINER				
ART UNIT PAPER NUMBER				
3745				
NOTIFICATION DATE DELIVERY MODE				
02/23/2011 ELECTRONIC				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USpatents@armstrongteasdale.com



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PATRICK W. RASCHE (22402)  
ARMSTRONG TEASDALE LLP  
7700 Forsyth Boulevard  
Suite 1800  
St. Louis MO 63105

In re Application of	:	
ANJURI, ESWARARAO V. S. J. et al	:	DECISION ON PETITION
Application No. 12/820,760	:	TO MAKE SPECIAL UNDER
Filed: June 22, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 240849/1(22402/214)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Feb. 9, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii)

greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to contribution to development of renewable energy resources. This is not convincing. For example, it is not clear how the claimed positioning of a vortex generator to a rotary blade will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. Claim 1 reads on propellers on a boat for a boundary layer manipulation.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: EswaraRao V.S.J. Anjuri )  
Confirmation No.: 2725 )  
Serial No.: 12/820760 )  
Filing Date: June 22, 2010 )  
Atty Docket No.: 240849-1 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Request for Reconsideration**

SIR:

This is responsive to the Decision on Petition, dated as mailed 23 February 2011, in the above-referenced application.

Applicant respectfully requests reconsideration of Applicant's Petition to Make Special on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

Applicant respectfully submits that the present invention is directed to a vortex generator assembly for use with a wind turbine rotor blade.

At least some known wind turbines include a nacelle fixed atop a tower, wherein the nacelle includes a rotor coupled to a generator through a shaft. In known rotor assemblies, a plurality of blades extend from the rotor. The blades are oriented such that wind passing over the blades turns the rotor and rotates the shaft, thereby driving the generator to generate electricity. As wind flows over an outer surface of the rotor blade, a boundary layer is formed over the outer surface that facilitates generating lift across the rotor blade. At least some

known rotor blades include a root portion that facilitates coupling the rotor blade to the hub. At least some known root portions include a cylindrically shaped outer surface. As wind flows over at least some known rotor blade root portions, the boundary layer separates from the rotor blade outer surface and reduces the lift across the rotor blade. This reduction in lift further reduces the overall aerodynamic efficiencies of the rotor blade, which results in a reduction in annual power production of the wind turbine.

The embodiments described herein facilitate assembling a rotor blade that increases an annual energy production of a wind turbine. More specifically, the rotor blade described herein includes a vortex generator assembly that is selectively positionable within a boundary layer flowing over a rotor blade outer surface. The vortex generator assembly facilitates the formation of vortices within the boundary layer, which increases a momentum of the boundary layer thus mitigating a separation of the boundary layer from the rotor blade outer surface. The vortex generator assembly facilitates transferring momentum from a free stream region of the boundary layer to a separated region of the boundary layer to enable reattachment of the boundary layer wherein a laminar flow is developed adjacent the rotor blade outer surface. In addition, the vortex generator assembly may be positioned substantially flush with the rotor blade outer surface to facilitate reducing a drag across the rotor blade outer surface and to facilitate increasing the aerodynamic efficiency of the rotor blade.

The embodiments as described herein reduce a drag across the rotor blade outer surface, which maintains the lift across the rotor blade. This

increases the aerodynamic efficiency of the rotor blade and eliminates a factor which reduces annual power production of the wind turbine. Thus the present invention materially contributes to the development of renewable energy by eliminating conditions that cause reductions in wind turbine power production, which in turn promotes increased energy production.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: March 23, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755



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WITHROW & TERRANOVA, P.L.L.C.  
100 REGENCY FOREST DRIVE  
SUITE 160  
CARY NC 27518

**MAILED**

NOV 02 2010

In re Application of:	:	
GRANGER-JONES, et al.	:	<b>OFFICE OF PETITIONS</b>
Application No.: 12/820,807	:	LETTER RE
Filed: June 22, 2010	:	WITHDRAWAL OF PETITION
Attorney Docket No.: 2867-803IDR09027	:	

This letter is in response to the REQUEST TO WITHDRAW PETITION UNDER 37 C.F.R. 1.47 FOR NONSIGNING INVENTOR, filed October 12, 2010, which requests that (1) the previously filed PETITION UNDER 36 [sic] C.F.R. 1.47 FOR NONSIGNING INVENTOR on October 1, 2010 be withdrawn and (2) a refund of the \$200.00 petition fee submitted with that petition be refunded. No petition fee is required for the filing of the present request.

The Present Request is **GRANTED** to the extent indicated below.

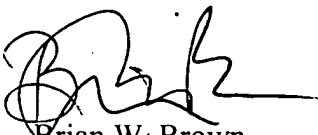
In view of the previously non-signing inventor having been successfully located, the United States Patent and Trademark Office will, as requested, disregard the October 1, 2010 petition.

37 CFR 1.26(a) states, in part, that:

“The Director may refund any fee paid by mistake or in excess of that required. A change in purpose after payment of a fee...will not entitle a party to a refund of such fee.”

The \$200.00 petition fee filed with the petition on October 1, 2010 was a required fee that was neither paid by mistake nor in excess. Withdrawal of the petition, per the Present Request, constitutes a change in purpose. As such, the requested refund is not approved.

Telephone inquiries relating to this Letter should be directed Brian W. Brown at (571) 272-5338.

  
Brian W. Brown  
Petitions Examiner  
Office of Petitions





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,818	06/22/2010	Masayuki MATSUKURA	3939-0205PUS2	2823
7590 05/18/2011 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER MORRIS, PATRICIA L	
			ART UNIT	PAPER NUMBER
			1625	
			NOTIFICATION DATE	DELIVERY MODE
			05/18/2011	ELECTRONIC

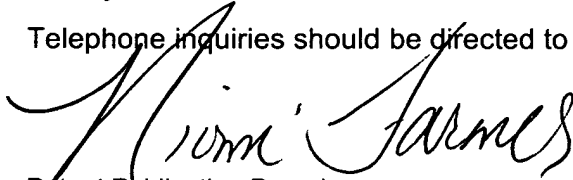
## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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FISH & ASSOCIATES, PC  
ROBERT D. FISH  
2603 Main Street  
Suite 1000  
Irvine CA 92614-6232

**MAILED**  
**MAY 20 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Agostino Sibillo  
Application No. 12/820,831  
Filed: June 22, 2010  
Attorney Docket No. 101847.0001US2

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 10, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Robert D. Fish or any attorneys/agents associated with Customer Number 24392 does not have power of attorney or was ever given power of attorney in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

JoAnne Burke  
Petitions Examiner  
Office of Petitions



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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GOODWIN PROCTER LLP  
ATTN: PATENT ADMINISTRATOR  
135 COMMONWEALTH DRIVE  
MENLO PARK CA 94025-1105

**MAILED**

**JAN 12 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
NOVY, Alon	:	
Application No. 12/820,851	:	DECISION ON PETITION
Filed: June 22, 2010	:	TO WITHDRAW
Attorney Docket No. LIA 0001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 22, 2010.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then a **Statement** under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **LIAISE, C/O RAY VILLENEUVE**  
**35 MANDARIN WAY**  
**ATHERTON CA 94025**



# UNITED STATES PATENT AND TRADEMARK OFFICE

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Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,852	06/22/2010	Todd McNutt	331323-000837	2891
47604	7590	06/09/2011		
DLA PIPER LLP US P. O. BOX 2758 RESTON, VA 20195			EXAMINER SPARKS, DONALD ALAN	
			ART UNIT	PAPER NUMBER
			2129	
			MAIL DATE	DELIVERY MODE
			06/09/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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P.O. Box 1450  
Alexandria, VA 22313-1450  
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DLA PIPER LLP US  
P. O. BOX 2758  
RESTON VA 20195

In re Application of:  
MCNUTT, Todd et al.  
Application No. 12/820,852  
Filed: June 22, 2010

For: **SYSTEM AND METHOD FOR SHAPE  
BASED RETRIEVAL OF PRIOR  
PATIENTS FOR AUTOMATION AND  
QUALITY CONTROL OF RADIATION  
THERAPY TREATMENT PLANS**

**DECISION ON PETITION  
UNDER 37 C.F.R. § 1.84(a)(2)  
TO ACCEPT COLOR  
DRAWINGS**

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed on September 29, 2010, requesting acceptance of color drawings.

The petition requests that the color drawings of Figures 5-10 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawings will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee."*

The petition was filed with the required fee and was filed with three (3) sets of color drawing Figures 5-10. The amendment to the specification filed on September 29, 2010 contains the required notification described above.

Accordingly, the petition is **GRANTED**.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

Eddie C. Lee  
Quality Assurance Specialist, TC 2100



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**Goodwin Procter LLP  
Attn: Patent Administrator  
135 Commonwealth Drive  
Menlo Park CA 94025-1105**

**MAILED**

**JAN 18 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Alon Novy	:	
Application No. 12/820,857	:	DECISION ON PETITION
Filed: June 22, 2010	:	TO WITHDRAW
Attorney Docket No. <b>LIA 0002</b>	:	FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed December 22, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', with a stylized flourish at the end.

JoAnne Burke  
Petitions Examiner  
Office of Petitions





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P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Synthetic Genomics, Inc.  
c/o DLA Piper LLP (US)  
4365 Executive Drive  
Suite 1100  
San Diego, CA 92121-2133

**MAILED**

**FEB 08 2012**

In re Application of  
Daniel Glenn Gibson, et. al.  
Application No. 12/820,861  
Filed: June 22, 2010  
Attorney Docket No. SGI1320-3

: **OFFICE OF PETITIONS**  
:  
: **DECISION ON PETITION**  
: **TO MAKE SPECIAL UNDER**  
: **37 CFR 1.102(c)(1)**

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 17, 2012, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

Attorney of record Lisa A. Haile states "Enclosed as evidence is a Statement Concerning Age of Inventor by one of the inventors, Dr. Hamilton O. Smith. This statement, although previously filed in a different case, has content that is equally relevant to the above-identified application and declares Applicant's age of at least 65 years."

Since the above application contains evidence that joint inventor Hamilton O. Smith is 65 years of age or older, the above-identified application has been accorded "special" status.

This application file is being referred to Technology Center Art Unit 1637 for examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the processing of the application should be addressed to Technology Center 1600 at (571) 272-1600.

/Andrea Smith/  
Andrea Smith  
Petitions Examiner  
Office of Petitions



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**KNOBBE MARTENS OLSON & BEAR LLP**  
**2040 MAIN STREET**  
**FOURTEENTH FLOOR**  
**IRVINE CA 92614**

**MAILED**

**MAR 14 2012**

**OFFICE OF PETITIONS**

In re Application of  
Jakob B. NIELSEN  
Application No.: 12/820,865  
Filed: June 22, 2010  
Attorney Docket No.: PLOUG115.002AUS  
For: DYNAMIC ENHANCEMENT OF AUDIO  
SIGNALS

: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY PILOT  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed October 31, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the EPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the EPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the EPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the EPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;

(6) Applicant must submit an IDS listing the documents cited by the EPO examiner in the EPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

This request to participate in the PPH program and petition is assessed as follows:

Requirements (1-2) and (4-6) above is considered to have been met. However the request to participate in the PPH program fails to meet requirement (3).

**Regarding requirement (3), applicant has failed to ensure that the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the EPO application. The U.S. application has 21 claims and the EPO application only has 15 claims. Also, the claims in the U.S. application have been edited to remove the reference numbers, multiple dependencies.**

Applicant is given ONE opportunity within a time period of ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this decision to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED. If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at (571) 272- 4231.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.



Thurman K. Page  
Petition Examiner  
Office of Petitions

**REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM  
BETWEEN EUROPEAN PATENT OFFICE (EPO) AND THE USPTO**

Application No.:	12/820,865	Filing Date:	06/22/2010
First Named Inventor:	Jakob Birkedal Nielsen		
Attorney Docket No.:	PLOUG115.002AUS		

Title of the  
Invention: DYNAMIC ENHANCEMENT OF AUDIO SIGNALS

**THIS REQUEST FOR PARTICIPATION IN THE PPH pilot PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-  
WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/EFS\\_HELP.HTML](http://www.uspto.gov/EBC/EFS_HELP.HTML).**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM  
AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PILOT PROGRAM.**

The above-identified application (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding EPO application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim.

**The EPO/PCT application number(s) is/are:** EP 09164564.8

**The filing date of the EPO/  
PCT application(s) is/are:** July 3, 2009

**I. List of Required Documents:**

- a. **A copy of all EPO office actions (which are relevant to patentability) in the above-identified EPO application(s) or a copy of a positive Extended European Search Report (EESR) if no EPO office actions have been issued by the EPO**

☒ Is attached.\*

- b. **A copy of all claims which were determined to be patentable by EPO in the above-identified EPO application(s)**

☒ Is attached.\*

- c. **(1) An information disclosure statement listing the documents cited in the EPO office actions**

☐ Is attached.

☒ Has already been filed in the above-identified U.S. application on August 24, 2010

**(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)**

☐ Are attached.

☒ Have already been filed in the above-identified U.S. application on August 24, 2010

\*English translations of the documents along with a statement that the English translation are accurate are also attached if the documents are not in the English language.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM  
BETWEEN EPO AND THE USPTO**

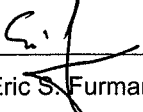
(continued)

Application No.:	12/820,865
First Named Inventor:	Jakob Birkedal Nielsen

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in EPO Application	Explanation regarding the correspondence
1-2	1-2	US claims conformed to US practice
3-5	3-5	Removed multiple dependencies
6	6	Removed multiple dependency
7	6	US claim canceled
8	7	Removed multiple dependency
9	7	US claim canceled
10	8	Removed multiple dependency
11	9	Removed multiple dependency
12	9	US claim canceled
13	10	Removed multiple dependency
14	10	US claim canceled
15	11	Removed multiple dependencies
16	12	Removed multiple dependency
17	13	Removed multiple dependency
18	13	US claim canceled
19	14	US dependent claim conformed to US practice
20	15	Removed multiple dependency
21	15	US claim canceled

**III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the EPO application.**

Signature 	Date <i>April 12, 2012</i>
Name (Print/Typed) Eric S. Furman	Registration Number 45,664

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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**GOODWIN PROCTER LLP  
ATTN: PATENT ADMINISTRATOR  
135 COMMONWEALTH DRIVE  
MENLO PARK CA 94025-1105**

**MAILED**

**JAN 12 2011**

**OFFICE OF PETITIONS**

In re Application of  
NOVY, Alon  
Application No. 12/820,873  
Filed: June 22, 2010  
Attorney Docket No. LIA 0003

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 22, 2010.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **LIAISE, C/O RAY VILLENEUVE  
35 MANDARIN WAY  
ATHERTON CA 94025**





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**JONES DAY**  
**222 EAST 41ST ST**  
**NEW YORK NY 10017**

**MAILED**

**DEC 06 2010**

In re Application of

Abraham Sadan

Application No. 12/820,882

Filed: June 22, 2010

Attorney Docket No. 011896-003-999

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)**

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 18, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the applicant's passport proving that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1734 for action on the merits commensurate with this decision.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,893	06/22/2010	Kazuyuki TOYODA	1982-0450PUS2	2957
2292 7590 01/25/2011 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER CROWELL, ANNA M	
			ART UNIT 1716	PAPER NUMBER
			NOTIFICATION DATE 01/25/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com



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January 24, 2011

BC

In re application of	:	DECISION ON REQUEST TO
Kazuyuki Toyoda et al.	:	PARTICIPATE IN PATENT
Serial No. 12/820,893	:	PROSECUTION HIGHWAY
Filed: June 22, 2010	:	PROGRAM AND
For: SUBSTRATE PROCESSING	:	PETITION TO MAKE SPECIAL
APPARATUS AND PRODUCING METHOD	:	UNDER 37 CFR 1.102(a)
OF DEVICE	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed December 03, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
  - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
  - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Blaine Copenheaver/

---

Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,917	06/22/2010	Kazuyuki TOYODA	1982-0450PUS1	2990
2292 7590 01/25/2011 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER CROWELL, ANNA M	
			ART UNIT 1716	PAPER NUMBER
			NOTIFICATION DATE 01/25/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

January 24, 2011

BC

In re application of	:	DECISION ON REQUEST TO
Kazuyuki Toyoda et al.	:	PARTICIPATE IN PATENT
Serial No. 12/820,917	:	PROSECUTION HIGHWAY
Filed: June 22, 2010	:	PROGRAM AND
For: SUBSTRATE PROCESSING	:	PETITION TO MAKE SPECIAL
APPARATUS AND PRODUCING METHOD	:	UNDER 37 CFR 1.102(a)
OF DEVICE	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed December 03, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

Application No. 12/820,917

- a. Documentation of prior office action:
  - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
  - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.

/Blaine Copenheaver/

---

Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



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FALLS CHURCH, VA 22040-0747

**MAILED**  
**MAR 01 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Hiroki Yoshikawa et al :  
Application No. 12/820,927 : **ON PETITION**  
Filed: June 22, 2010 :  
Attorney Docket No. PHOTOMASK BLANK  
AND PHOTOMASK

This is a decision on the petition, filed February 28, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on February 3, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1721 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION  
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND  
THE USPTO**

Application No:	12/820,930	Filing date:	June 22, 2010
First Named Inventor:	Daniel E. Kenney		

Title of the  
Invention: Gas Plug Retention and Removal Device

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE  
SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT  
[HTTP://WWW.USPTO.GOV/EBC/EFS\\_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE  
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US10/039538

The international date of the corresponding PCT application(s) is/are: June 22, 2010

**I. List of Required Documents:**

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☐

Is attached

☒Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☐

Is attached.

☒Is not attached because the document is already in the U.S. application.


- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

Application No.:	12/820,930
First Named Inventor:	Daniel E. Kenney

- ☒ Have already been filed in the above-identified U.S. application on September 22, 2010

[illegible]

Signature 	Date 11-15-2010
Name (Print/Typed) D. Scott Sudderth	Registration Number 34,026



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JAN 05 2011

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United States Patent and Trademark Office  
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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC  
ATTN: IP DOCKETING  
P.O. BOX 7037  
ATLANTA GA 30357-0037

In re application of  
Kenney et al.

Application No. 12/820,930

Filed: June 22, 2010

For: GAS PLUG RETENTION AND  
AND REMOVAL DEVICE

: **DECISION ON REQUEST TO**  
: **PARTICIPATE IN PATENT**  
: **PROSECUTION HIGHWAY**  
: **PROGRAM AND PETITION**  
: **TO MAKE SPECIAL UNDER**  
: **37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed November 15, 2010, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH pilot program and petition fail to include:

2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate.

Copy of the allowable/patentable claims from the PCT/US2010/039538 is missing.

(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s); See (2) above.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. All replies to a decision to dismiss must be submitted by EFS-Web using the document description "Petition to make special under Patent Prosecution Highway."

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,  
Quality Assurance Specialist  
Technology Center 3600

MB/MB: 01/04/11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	
<b>DANIEL E. KENNEY et al.</b>	)	Art Unit: <b>3641</b>
Application No: <b>12/820,930</b>	)	Confirmation No. <b>3013</b>
Filed: <b>June 22, 2010</b>	)	Examiner: <b>Unassigned</b>
For: <b>GAS PLUG RETENTION AND REMOVAL DEVICE</b>	)	Attorney Docket: <b>R087 1581.1</b>

**RESPONSE TO DECISION ON REQUEST TO PARTICIPATE IN  
PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE  
SPECIAL UNDER THE PCT-PPH PROGRAM**

Via EFS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In the Decision on Request to Participate in Patent Prosecution Highway Program and Petition to Make Special Under the PCT-PPH Program mailed January 5, 2011, Applicant's Initial Request and Petition to Make Special Under the PCT-PPH Program was dismissed. In response to this Decision, Applicants submit the following items to correct the deficiencies cited in the Decision:

1. International Search Report and Written Opinion for the corresponding International Application for PCT/US10/039538 (filing date is June 22, 2010) which was mailed on September 7, 2010; and
2. Allowed claims of International Application for PCT/US10/039538 (filing date is June 22, 2010) as a result of the International Search Report and Written Opinion which was mailed on September 7, 2010.

3. Copy of Applicants' published Application No. 2010/0319528, published December 23, 2010, and including the claims as filed, which claims correspond to the claims filed in International Application No. PCT/US10/039538.

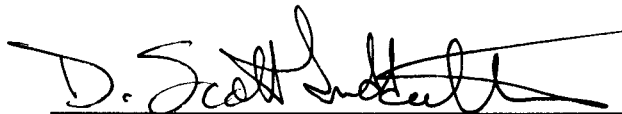
Applicants respectfully submit that the deficiencies identified in the Decision have been properly identified and corrected and that the application has been placed in condition for examination under the Patent Prosecution Highway Pilot Program between the European Patent Office and the U.S. Patent and Trademark Office.

Additionally, Applicants' representative discussed the Decision with Quality Assurance Specialist Mikado Buiz on January 24, 2010, who advised Applicants' representative that the International Search Report and Written Opinion and a copy of the claims allowed thereunder were required to be submitted with the Response. Applicants' representative further was advised that the citation of 35 CFR 1.102(d) in the Decision was in error and that no fee was therefore due for the Petition or this Response.

Accordingly, it is believed that no fee is due for the present Response. However, should it be determined that a fee is due, the Commissioner is hereby authorized to charge any fees determined to be due or credit any overpayment to Deposit Account No. 09-0528.

If there are further comments or instructions the Office is invited to contact the undersigned counsel for Applicants.

Respectfully submitted,



D. Scott Sudderth  
Attorney for Applicants  
Registration No. 34,026

Date: January 24, 2011

Womble Carlyle Sandridge & Rice, PLLC  
P.O. Box 7037  
Atlanta, GA 30357-0037  
(404) 962-7527 (Telephone)  
(404) 870-8177 (Facsimile)  
Docket No.: **R087 1581.1**

**ALLOWED CLAIMS OF  
PCT/US10/039538**

**What is Claimed is:**

1. A gas plug retention and removal device for a gas operating system of a firearm, comprising:

a gas block including a front end, a rear end, a gas block bore defined between the front and rear ends, and at least one cam engagement surface adjacent the front end;

a gas plug removably received within an opening in the front end of the gas block and communicating with the gas block bore for at least partially sealing the gas block bore; and

a cam lever bail coupled to the gas plug and including at least one lever arm pivotally connected to the gas plug and adapted to engage the gas block and having at least one cam lobe formed therealong, the at least one cam lobe engaging the cam engagement surface of the gas block as the cam lever bail is pivoted with respect to the gas block so as to facilitate disengagement and removal of the gas plug from the gas block and provide external access to the gas block bore.

2. The gas plug retention and removal device of claim 1, wherein the at least one cam engagement surface comprises a first cam engagement surface extending on a first side of the gas block and a second cam engagement surface extending on a second side of the gas block.

3. The gas plug retention and removal device of claim 2, wherein the at least one lever arm comprises a first lever arm with a first cam lobe formed adjacent one end thereof and a second lever arm with a second cam lobe formed adjacent one end thereof, the first cam lobe being situated on the first side of the gas block and the second cam lobe being situated on the second side of the gas block.

4. The gas plug retention and removal device of claim 3, wherein the first and second lever arms are connected by a crossbar having a finger recess therealong.

5. The gas plug retention and removal device of claim 3, wherein each of the first and second lever arms defines a pivot pin clearance bore, and the gas plug defines a plug bore that is generally aligned with the pivot pin clearance bores, and further comprising a pivot pin extending through the pivot pin clearance bores and the plug bore to pivotally couple the cam lever bail to the gas plug.
6. The gas plug retention and removal device of claim 5, wherein the gas block bore defines an opening at the front end of the gas block, and the gas block further comprises a first recess and a second recess, each formed at an edge of the opening of the gas block bore, the pivot pin being received within at least one of the first and second recesses.
7. The gas plug retention and removal device of claim 5, wherein the cam lever bail comprises a first retainer bore in the first lever arm and a second retainer bore in the second lever arm, and the gas block comprises a transverse bore that is generally aligned with the first and second retainer bores when the cam lever bail is in a locked position.
8. The gas plug retention and removal device of claim 7, further comprising a retaining pin extending through at least one of the first and second retainer bores defined in at least one lower arm of the cam lever bail and selectively engaging a transverse bore in the gas block for selectively securing the cam lever bail in a non-operative position with respect to the gas block, and a detent pin at least partially extending in a detent pin bore defined in the at least one lever arm, wherein the detent pin is biased toward engagement with the retaining pin for locking the retaining pin in at least one position.
9. The gas plug retention and removal device of claim 8, wherein the gas plug further comprises a plug recess generally aligned with a portion of the transverse bore intersecting the gas block bore and providing clearance for the retaining pin.
10. The gas plug retention and removal device of claim 1, further comprising a retaining pin adapted to selectively lock the cam lever bail to the gas block in a non-operative position.
11. The gas plug retention and removal device of claim 10, wherein the gas block comprises a front housing portion at the front end of the gas block, the front housing portion defining an



opening through which the gas plug is received, and wherein the cam lever bail further comprises a retainer bore in the at least one lever arm, the retaining pin extending along at least the retainer bore.

12. The gas plug retention and removal device of claim 11, further comprising a detent pin extending in a direction generally normal to the retaining pin along a detent pin bore defined in the at least one lever arm, wherein the detent pin is adapted to selectively engage a first bore defined by the retaining pin so as to lock the retaining pin in at least one of an extended position and a retracted position, the retaining pin extending through the retainer bore and into the opening through the front housing portion in its extended position, locking the cam lever bail to the gas block in the non-operative position.

13. The gas plug retention and removal device of claim 12, wherein the detent pin engages the first bore when the retaining pin is in the extended position, and the retaining pin comprises a second bore adapted to receive at least a portion of the detent pin when the retaining pin is in its retracted position so as to lock the retaining pin in the retracted position, the first and second bores being adjacent respective opposing ends of the retaining pin.

14. The gas plug retention and removal device of claim 11, wherein the cam lever bail is substantially flush with the front housing portion of the gas block when locked in the non-operative position.

15. A firearm, comprising:

a barrel defining a chamber;

a gas block extending at least partially along the barrel and including a gas block bore defining an opening at a front end thereof, at least one cam engagement surface adjacent a first end of the gas block, and a barrel clamp engaging the barrel;

a gas plug removably engaged within the opening at the front end of the gas block bore for at least partially sealing the gas block bore; and

a cam lever bail pivotally coupled to the gas plug and including at least one cam lever arm having at least one cam lobe, the at least one cam lobe aligned with and adapted to engage the at least one cam engagement surface of the gas block,

whereby as the cam lever bail is pivoted, the at least one cam lever arm provides a cammed lever action and the at least one cam lobe increasingly bears against the at least one cam engagement surface so as to provide a mechanical advantage facilitating disengagement and removal of the gas plug from the gas block.

16. The firearm of claim 15, further comprising a retaining pin adapted to selectively lock the cam lever bail to the gas block in a non-operative position.

17. The firearm of claim 16, wherein the gas block comprises a front housing portion at the first end of the gas block, the front housing portion defining an opening through which the gas plug is received, and wherein the cam lever bail further comprises a retainer bore in the at least one lever arm, the retaining pin extending along at least the retainer bore.

18. The firearm of claim 17, further comprising a detent pin extending in a direction generally normal to the retaining pin along a detent pin bore defined in the at least one lever arm, wherein the detent pin is adapted to selectively engage a first bore defined by the retaining pin so as to lock the retaining pin in at least one of an extended position and a retracted position, the retaining pin extending through the retainer bore and into the opening through the front housing portion in its extended position, locking the cam lever bail to the gas block in the non-operative position.

19. The firearm of claim 17, wherein the cam lever bail is substantially flush with the front housing portion of the gas block when locked in the non-operative position.

20. The firearm of claim 15, wherein the at least one cam engagement surface comprises a first cam engagement surface extending on a first side of the gas block and a second cam engagement surface extending on a second side of the gas block.

21. The firearm of claim 20, wherein the at least one lever arm comprises a first lever arm with a first cam lobe formed adjacent one end thereof and a second lever arm with a second cam lobe formed adjacent one end thereof, the first cam lobe being situated on the first side of the gas block and the second cam lobe being situated on the second side of the gas block.
22. The firearm of claim 21, wherein each of the first and second lever arms defines a pivot pin clearance bore, and the gas plug defines a plug bore that is generally aligned with the pivot pin clearance bores, and further comprising a pivot pin extending through the pivot pin clearance bores and the plug bore to pivotally couple the cam lever bail to the gas plug.
23. The firearm of claim 15, further comprising a thermal management system extending at least partially about the barrel.
24. The firearm of claim 23, wherein the thermal management system comprises a heat exchanger extending at least partially along the barrel and a heat shield extending at least partially along the heat exchanger.
25. The firearm of claim 24, wherein the heat exchanger comprises a heat-conducting structure with a plurality of fins extending therealong, and the heat shield comprises a substantially continuous sleeve of thermally resistant material extending around the barrel with an open end adjacent a muzzle end of the barrel.
26. The firearm of claim 25, wherein the heat shield comprises a woven fabric comprising carbon fiber.
27. The firearm of claim 24, further comprising a hand guard at least partially extending along the barrel and at least partially extending around the heat shield, wherein at least a portion of the heat shield is radially spaced apart from the heat exchanger with at least one inner air pocket formed therein, and at least a portion of the hand guard is radially spaced apart from the heat shield with at least one outer air pocket formed therein.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/820,930	06/22/2010	Daniel E. Kenney	R087 1581.1	3013
26158 7590 03/04/2011 WOMBLE CARLYLE SANDRIDGE & RICE, PLLC ATTN: IP DOCKETING P.O. BOX 7037 ATLANTA, GA 30357-0037			EXAMINER CARONE, MICHAEL J	
			ART UNIT 3641.	PAPER NUMBER
			MAIL DATE 03/04/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**MAR - 4 2011**  
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC  
ATTN: IP DOCKETING  
P.O. BOX 7037  
ATLANTA GA 30357-0037

In re application of	:	<b>DECISION ON REQUEST TO</b>
Kenney et al.	:	<b>PARTICIPATE IN PATENT</b>
Application No. 12/820,930	:	<b>PROSECUTION HIGHWAY</b>
Filed: June 22, 2010	:	<b>PROGRAM AND PETITION</b>
For: GAS PLUG RETENTION AND	:	<b>TO MAKE SPECIAL UNDER</b>
REMOVAL DEVICE	:	<b>37 CFR 1.102(a)</b>

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 24, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of renewed petition, filed on January 24, 2011, the request to participate in the PPH program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

          / Mikado Buiz /            
Mikado Buiz,  
Quality Assurance Specialist  
Technology Center 3600

MB/MB: 03/03/11



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[www.uspto.gov](http://www.uspto.gov)

**CHOATE, HALL & STEWART / CITRIX SYSTEMS, INC.**  
**TWO INTERNATIONAL PLACE**  
**BOSTON MA 02110**

**MAILED**

**JAN 12 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Kamath et al.	:	DECISION ON PETITION
Application No. 12/820,948	:	TO WITHDRAW
Filed: June 22, 2010	:	FROM RECORD
Attorney Docket No. 2006579-2064 (CTX-526US)	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed November 10, 2010, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Brenda Herschbach Jarrell does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Brenda Herschbach Jarrell not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski  
Petitions Examiner  
Office of Petitions



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COMMISSIONER FOR PATENTS  
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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

**MAILED**  
**MAR 01 2011**  
**OFFICE OF PETITIONS**

In re Application of	:
Hiroshi Mutoh	: DECISION GRANTING STATUS
Application No. 12/821,036	: UNDER 37 CFR 1.47(b)
Filed: June 22, 2010	:
Attorney Docket No. KATSDC.080AUS	:

This is in response to the petition under 37 CFR 1.47(b), filed December 30, 2010.

The petition is **GRANTED**.


Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to Technology Center A.U. 2627 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions





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One LLP  
4000 MacArthur Blvd., Suite 1100  
Newport Beach CA 92660

**MAILED**

**JUN 10 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Hecht et al. :  
Application No. 12/821,052 : DECISION ON PETITION  
Filed: June 22, 2010 :  
Attorney Dkt. No. 200,408-1US :  
For: SYSTEMS AND METHODS FOR :  
THE ONLINE PRESENTATION AND :  
COMMERCE OF GOODS :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 23, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to File Corrected Application Papers, which was mailed on September 9, 2010. The Notice to File Corrected Application set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on November 10, 2010. A Notice of Abandonment was mailed on May 16, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a replacement drawings (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received.

Charlema Grant  
Attorney  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

**PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Attorney Docket Number: **408635-107000** Application Number (if known): **12821053** Filing date: **06/22/2010**

First Named Inventor: **ADIBI, Babak**

Title: **PLASMA GRID IMPLANT SYSTEM FOR USE IN SOLAR CELL FABRICATION**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature **/JBach/** Date **11/18/2011**

Name (Print/Typed) **Joseph Bach** Registration Number **37771**

**Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.**

☐

\*Total of \_\_\_\_\_ forms are submitted.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: 048635-107000

Babak Adibi, et al.

Confirmation No.: 3244

Appln. No.: 12/821,053

Group Art Unit: 2812

Filed: June 22, 2010

Examiner: Seahvosh J. Nikmanesh

For: PLASMA GRID IMPLANT SYSTEM FOR USE IN SOLAR CELL FABRICATIONS

**PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT  
PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition to make special under the green technology pilot program A PTO/SB/420 is submitted herewith, together with a preliminary amendment reducing the number of claims to 20 or less. The subject application is directed to ion implantation system which is used to make solar cells. Solar cells produce green energy, which is a development of renewable energy resource. Thus the subject matter of the application falls within the green technology pilot program. USPTO is directed and authorized to charge all required fees, including extension fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 50-3557. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/JBach/

Joseph Bach  
Registration No. 37,771

NIXON PEABODY LLP  
Suite 900  
401 9<sup>th</sup> Street, N.W.  
Washington, DC 20004-2128  
Telephone: (650) 320-7721

Date: November 18, 2011



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/821,053	06/22/2010	Babak Adibi	SITI-00801	3244
28960 7590 12/21/2011 HAVERSTOCK & OWENS LLP 162 N WOLFE ROAD SUNNYVALE, CA 94086			EXAMINER CHIN, EDWARD	
			ART UNIT 2813	PAPER NUMBER
			MAIL DATE 12/21/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



HAVERSTOCK & OWENS LLP  
162 N WOLFE ROAD  
SUNNYVALE CA 94086

DEC 21 2011

In re Application of	:	
ADIBI et al.	:	DECISION ON PETITION
Application No. 12/821,053	:	TO MAKE SPECIAL UNDER
Filed: June 22, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No.: SITI-00801	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 18, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the

Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, the petition alleges that the claimed invention contributes to the development of renewable energy resources. The claims are drawn to a plasma grid implantation system. The provided statement accompanying the petition states that the system can be used to make solar cells. The materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner that could contribute to development of renewable energy resources. Any argument as to how the claimed invention can be used with is considered speculative as to how a hypothetical end-user might specially apply the claimed invention. Favorable consideration would be given should the claimed invention be limited to solar cells.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

The application is being forwarded to the Technology Center Art Unit for action in its regular turn.

/Colleen Dunn/

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Colleen Dunn  
TQAS, TC 2800



**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: 048635-110000

Babak Adibi, et al.

Confirmation No.: 3244

Appln. No.: 12/821,053

Group Art Unit: 2812

Filed: June 22, 2010

Examiner: Seahvosh J. Nikmanesh

For: PLASMA GRID IMPLANT SYSTEM FOR USE IN SOLAR CELL FABRICATIONS

**REQUEST FOR RECONSIDERATION OF THE  
PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT  
PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby request reconsideration of the petition to make special under the green technology pilot program. The original petition has been dismissed since, although the title and description of the subject application are directed to a system for fabricating solar cells, the office noted that the claims are not so limited. Accordingly, a preliminary amendment is submitted herewith which, per the office's recommendation, amends the claims to specifically be directed to the fabrication of solar cells. As now phrased, the subject claims are directed to ion implantation system which is specifically used to make solar cells. Solar cells produce green energy, which is a development of renewable energy resource. Thus the subject matter of the application falls within the green technology pilot program.

USPTO is directed and authorized to charge all required fees, including extension fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 50-3557. Please also credit any overpayments to said Deposit Account.

U.S. Application No. 12/821,053

Attorney Docket No. 048635-110000

NIXON PEABODY LLP  
Suite 900  
401 9<sup>th</sup> Street, N.W.  
Washington, DC 20004-2128  
Telephone: (650) 320-7721

Respectfully submitted,

/JBach/  
\_\_\_\_\_  
Joseph Bach  
Registration No. 37,771

Date: January 9, 2012



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/821,053	06/22/2010	Babak Adibi	048635-110000	3244
22204	7590	01/30/2012		
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			EXAMINER CHIN, EDWARD	
			ART UNIT 2813	PAPER NUMBER
			MAIL DATE 01/30/2012	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

NIXON PEABODY, LLP  
401 9TH STREET, NW  
SUITE 900  
WASHINGTON DC 20004-2128

JAN 30 2012

In re Application of	:	
Adibi et al.	:	DECISION ON PETITION
Application No. 12/821,053	:	TO MAKE SPECIAL UNDER
Filed: 6/22/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 048635-110000	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 1/9/2012, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 2813 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/821,056	Filing date:	June 22, 2010
First Named Inventor:	Yoav Shoham		
Title of the Invention:	AUTOMATED AGENT FOR SOCIAL MEDIA SYSTEMS		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/EFIS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2011/021829

**The international filing date of the corresponding PCT application(s) is/are:**  
January 20, 2011

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: 12/821,056

First Named Inventor: Yoav Shoham

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.



Is attached

Has already been filed in the above-identified U.S. application on October 18, 2011

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

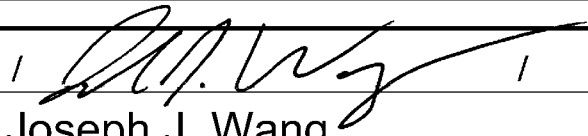


Are attached.

Have already been filed in the above-identified U.S. application on October 18, 2011**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Sufficient correspondence between the claims
2, 3, 6	2	Sufficient correspondence between the claims
4 - 5	3	Sufficient correspondence between the claims
10 - 11	4	Sufficient correspondence between the claims
13	5	Sufficient correspondence between the claims
14 - 15	6	Sufficient correspondence between the claims
16	7	Both claims are the same
17	8	Both claims are the same
18 - 19	9	Sufficient correspondence between the claims
20	10	Both claims are the same
25	11	Sufficient correspondence between the claims
26	12	Sufficient correspondence between the claims
35	13	Sufficient correspondence between the claims
36 - 37	14	Sufficient correspondence between the claims
41	15	Sufficient correspondence between the claims

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature 	Date 20 October 2011
Name (Print/Typed) Joseph J. Wang	Registration Number 61,123

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( *i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. BOX 2938  
MINNEAPOLIS MN 55402

**MAILED**

FEB 06 2012

**OFFICE OF PETITIONS**

In re Application of:  
Yoav Shoham  
Application No. 12/821,056  
Filed: June 22, 2010  
Attorney Docket No. 3176.001US1

: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed October 20, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at 571-272-7751.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/821,076	06/22/2010	Huai-Rong Shao	SAM2B.PAU.146	3287
97001	7590	07/13/2011		
Myers Andras Sherman & Zarrabian LLP (Samsung R&D Center) 1411 5th Street, Suite 306 Santa Monica, CA 90401			EXAMINER BANKS HAROLD, MARSHA DENISE	
			ART UNIT	PAPER NUMBER
			2465	
			MAIL DATE	DELIVERY MODE
			07/13/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Michael Zarrabian  
Myers Andras Sherman & Zarrabian LLP  
(Samsung R & D Center)  
1411 5<sup>th</sup> Street, Suite 306  
Santa Monica CA 90401

*In re* Application of:  
Shao  
Appl. No.: 12/821,076  
Filed: June 22, 2010  
For: Method and System for Ad-Hoc Communications over  
Millimeter Wave Wireless Channels in Wireless Systems

DECISION ON PETITION  
UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on June 7, 2011, to expunge information submitted pursuant to MPEP § 724.02.

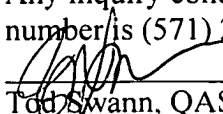
The petition is **DISMISSED**.

Petitioner requests that the information submitted on June 7, 2011 be expunged from the record if found not to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The petition is premature because the application has not been allowed or abandoned. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the information submitted on June 7, 2011 is considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be returned to applicant.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3612

  
\_\_\_\_\_  
Todd Swann, QAS  
Technology Center 2100  
Computer Architecture, Software, and  
Information Security



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ROSENBAUM & SILVERT, P.C.  
1480 TECHNY ROAD  
NORTHBROOK IL 60062

**MAILED**  
**JAN 26 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Hsu, et al. : **DECISION GRANTING STATUS**  
Application No. 12/821,081 : **UNDER 37 CFR 1.47(a)**  
Filed: June 22, 2010 :  
Attorney Docket No. 6175-002 :

This is in response to the petition under 37 CFR 1.47(a), filed November 29, 2010.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor, Shou Shan Chiang, has constructively refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The current Rule 47 petition fee is \$200.00. Petitioner has paid only \$130.00. Deposit account no. 18-2000 will be charged the \$70.00 balance due.

This application is being referred to Technology Center G.A.U. 1627 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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**ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.**  
**INTELLECTUAL PROPERTY DEPARTMENT**  
**P.O. BOX 10064**  
**MCLEAN VA 22102-8064**

**MAILED**  
**FEB 28 2012**  
**OFFICE OF PETITIONS**

Applicants: Stephen W. Fetsko  
Appl. No.: 12/821,186  
Filing Date: June 23, 2010  
Title: CRYSTALLIZER AND METHOD FOR PRODUCING PHENOL-BPA ADDUCT  
CRYSTALS  
Attorney Docket: BPM2010001 [15636US]  
Pub. No.: US20110319670 A1  
Pub. Date: December 29, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 27, 2012, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff  
Petitions Examiner  
Office of Petitions



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MEGAN LYMAN  
1816 SILVER MIST CT.  
RALEIGH NC 27613

**MAILED**

MAY 20 2011

**OFFICE OF PETITIONS**

In re Application of  
RITCHIE  
Application No. 12/821,188  
Filed: June 23, 2010  
Attorney Docket No. 1048.5

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 4, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Megan Lyman on behalf of the attorneys of record associated with Customer No. 68533.

The attorneys of record associated with Customer No. 68533 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: JENNIFER RITCHIE  
27111 ALISO CREEK ROAD STE. 195  
ALISO VIEJO CA 92656





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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/821,188	06/23/2010	Jennifer Ritchie	1048.5

**CONFIRMATION NO. 3519**

**POWER OF ATTORNEY NOTICE**



\*OC000000047726895\*

Date Mailed: 05/18/2011

68533  
MEGAN LYMAN  
1816 SILVER MIST CT.  
RALEIGH, NC 27613

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 04/04/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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FISH & RICHARDSON P.C. (DC)  
P.O. BOX 1022  
MINNEAPOLIS MN 55440-1022

**MAILED**

**AUG 22 2011**

**OFFICE OF PETITIONS**

In re Application of  
Yuusuke Sugawara et al  
Application No. 12/821,201  
Filed: June 23, 2010  
Attorney Docket No. 12732-  
0349002/US08759-D

:  
:  
: DECISION GRANTING PETITION  
: UNDER 37 CFR 1.313(c)(2)  
:  
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 19, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on July 25, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2818 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/  
Karen Creasy  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/821,411	06/23/2010	Rodolphe DA ROVARE	361790US41/alc	3918

7590 05/12/2011  
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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LE, HUYEN D

ART UNIT	PAPER NUMBER
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3751

NOTIFICATION DATE	DELIVERY MODE
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05/12/2011

ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Betty Powell*

Patent Publication Branch  
Office of Data Management



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United States Patent and Trademark Office  
P.O. Box 1450

**MAILED**

**JAN 18 2012**

**OFFICE OF PETITIONS**

**BUCHANAN, INGERSOLL & ROONEY PC  
POST OFFICE BOX 1404  
ALEXANDRIA VA 22313-1404**

In re Application of	:	DECISION ON REQUEST TO
Kazuya YAGO	:	PARTICIPATE IN PPH PROGRAM
Application No. 12/821,467	:	AND PETITION TO MAKE SPECIAL
Filed: June 23, 2010	:	UNDER 37 CFR 1.102(a)
Atty. Docket No.: 0056258-000053	:	
For: IMAGE FORMING SYSTEM, IMAGE FORMING APPARATUS AND RECORDING MEDIUM		

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 8, 2011 to make the above-identified application special.

The petition is **DISMISSED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application is a Paris Convention application which either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO (Japanese Patent Office) or claims priority to a PCT application that contains no priority claims. Alternatively, it can be a national stage application under the PCT which validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims. It can also be a "bypass application" filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application validly claims priority to an application filed in the JPO or claims priority to a PCT application that contains no priority claims, or contains no priority claim;

(2) applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);

(4) examination of the U.S. application has not begun;

(5) applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowability/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

Requirements (1), (4), and (6) above are considered to have been met. However, the request to participate in the PPH program and petition fail to meet requirements (2), (3), and (5).

Regarding the requirement of condition (2), applicant has failed to submit a copy of the allowable/patentable claims from the JPO application. Whereas applicant asserts that the amended claims correspond to the claims in the JPO application, there is no indication from the JPO that any one claim in the JPO application is allowable.

Regarding the requirement of condition (3), it cannot be determined if requirement (3) has been met since the office action from the JPO does not indicate that there are any allowable claims in the JPO application.

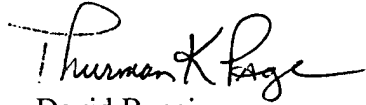
Regarding the requirement of condition (5), requirement (5) has not been met since the office action from the JPO does not indicate that there are any allowable claims in the JPO application.

Applicant is given **ONE** opportunity with a time period of **ONE MONTH** or **THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected within the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros. Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

A handwritten signature in black ink, appearing to read "Thurman K Page", is written over the printed name "David Bucci".

David Bucci  
Petitions Examiner  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 65504-008001

Application Number  
(if known): 12/821,468

Filing date: June 23, 2010

First Named  
Inventor: Sean Dennis Simpson

Title: IMPROVED CARBON CAPTURE IN FERMENTATION

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature



Date November 30, 2010

Name  
(Print/Typed) Faustino A. Lichauco

Registration Number 41,942

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sean Dennis Simpson et al      Art Unit : 1632  
Serial No. : 12/821,468      Examiner : Not yet Assigned  
Filed : June 23, 2010      Conf. No. : 4011  
Title : IMPROVED CARBON CAPTURE IN FERMENTATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY REQUIREMENT**

Applicant requests that this application be made special pursuant to the Pilot Program for Green Technologies as set forth in the Federal Register.<sup>1</sup>

The invention is believed to be eligible for the Pilot Program because of its material contribution to the development of renewable energy resources and the reduction of greenhouse gas emissions, specifically the generation of fuel alcohols from carbon monoxide (CO) via a fermentation process and the reduction of greenhouse gases produced during the fermentation processes.

In broad terms, the invention relates to the use of a gas fermentation process and system to capture carbon and produce useful products such as fuel alcohols. More specifically, a carbon monoxide-containing gas that is obtained as a waste product of an industrial process, preferably a steel making process is used as a substrate in an anaerobic fermentation to produce one or more products.

The methods claimed are intended to reduce the total atmospheric carbon emissions from an industrial process and is achieved by the various claimed methods by capturing carbon from waste gas streams, such as those emitted from steel mills. The waste gas streams from steel mills are often flared off (burnt) to produce significant quantities of carbon dioxide – a greenhouse gas. It will be appreciated that such industrial plants contribute significantly to greenhouse gas emissions and the methods described

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<sup>1</sup> 74 Fed. Reg. 234 (December 8, 2009), page 64666 et seq., and 75 Fed. Reg. 98 (May 21, 2010).



Applicant(s) : Sean Dennis Simpson et al  
Serial No. : 12/821,468  
Filed : June 23, 2010  
Page : 2 of 2

Attorney Docket No.: 65504-008001  
Client Ref. No.: TIS 508368USPR

herein enable the carbon to be captured to generate useful products. This reduces the emission of the greenhouse gases and limits the damaging effects that they have on the environment.

Also provided by the invention are methods and systems to separate gas streams in order to optimise gas ratios and maximise the efficiency of the reaction (and henceforth the carbon captured).

Accordingly, the subject matter of this application plays a material role in the development of renewable energy resources and the reduction of greenhouse gas emissions. Applicant therefore requests that the examination be accelerated under the Pilot Program.

Pursuant to the requirements of the Pilot Program, please apply the \$300 publication fee to Deposit Account no. 50-4189, referencing attorney docket no. 65504-008001.

Respectfully submitted,

Date: November 30, 2010



Faustino A. Lichauco  
Reg. No. 41,942

Customer No. 69713  
Occhiuti Rohlicek & Tsao LLP  
10 Fawcett Street  
Cambridge, MA 02138  
Telephone: (617) 500-2533  
Facsimile: (617) 500-2499



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/821,468	06/23/2010	Sean Dennis Simpson	65504-008001	4011

69713	7590	12/08/2010
OCCHIUTI ROHLICEK & TSAO, LLP		
10 FAWCETT STREET		
CAMBRIDGE, MA 02138		

EXAMINER	
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ART UNIT	PAPER NUMBER
1632	

NOTIFICATION DATE	DELIVERY MODE
12/08/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFO@ORTPATENT.COM



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DEC 08 2010

OCCHIUTI ROHLICEK & TSAO, LLP  
10 FAWCETT STREET  
CAMBRIDGE MA 02138

In re Application of	:	
SIMPSON, Sean <i>et al.</i>	:	DECISION ON PETITION
Application No. 12/821468	:	TO MAKE SPECIAL UNDER
Filed: June 23, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 65504-008001	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 30, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1632 for action on the merits commensurate with this decision.

/Manjunath Rao/

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Manjunath Rao  
Supervisory Patent Examiner  
Technology Center 1600

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/821,628	Filing date:	23-Jun-2010
First Named Inventor:	Rafael Pintor		

Title of the  
Invention: Unitary Quick Connect Prosthetic Heart Valve and Deployment System and Methods

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/DFS\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/039746

**The international filing date of the corresponding PCT application(s) is/are:**

24-Jun-2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/821,628
First Named Inventor:	Rafael Pintor

- ☐ Is attached
- ☒ Has already been filed in the above-identified U.S. application on
- 12-Oct-2011

- ☐ Are attached.
- ☒ Have already been filed in the above-identified U.S. application on **12-Oct-2011**

[illegible]

Signature <i>/AnneMarie Kaiser/</i>	Date 25-Oct-2011
Name (Print/Typed) <b>AnneMarie Kaiser, Esq.</b>	Registration Number <b>37649</b>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference ECV-6253	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. <b>PCT/US2010/039746</b>	International filing date ( <i>day/month/year</i> ) <b>24 JUNE 2010 (24.06.2010)</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) 26 JUNE 2009 (26.06.2009)
Applicant  <b>EDWARDS LIFESCIENCES CORPORATION et al</b>		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant.  
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant.  
☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 5D  
☒ as suggested by the applicant.  
☐ as selected by this Authority, because the applicant failed to suggest a figure.  
☐ as selected by this Authority, because this figure better characterizes the invention.  
 b. ☐ none of the figure is to be published with the abstract.



## INTERNATIONAL SEARCH REPORT

International application No.  
**PCT/US2010/039746****A. CLASSIFICATION OF SUBJECT MATTER***A61F 2/24(2006.01)i, A61M 29/00(2006.01)i, A61F 2/82(2006.01)i, A61M 25/10(2006.01)i, A61M 25/02(2006.01)i*

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

A61F 2/24; A61F 2/06

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models

Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) &amp; Keywords: , ,

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2007-0213813 A1 (SYMETIS SA.) 13 September 2007 See abstract, figures 1-33, column 1-3	1-22
A	US 2008-0065198 A1 (JAMES QUINTESENZA) 13 March 2008 See abstract, figures 1-18, paragraph 38-50	1-22
A	WO 01-54624 A1 (3F THERAPEUTICS, INC.) 02 August 2001 See abstract, figures 1-19	1-22
A	WO 02-076347 A1 (COOK INCORPORATED et al.) 03 October 2002 See abstract, figures 1-9, pages 2-6	1-22

☐ Further documents are listed in the continuation of Box C.☒ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"B" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search

29 MARCH 2011 (29.03.2011)

Date of mailing of the international search report

**30 MARCH 2011 (30.03.2011)**Korean Intellectual Property Office  
Government Complex-Daejeon, 189 Cheongsu-ro,  
Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

SHIN, JU CHEOL

Telephone No. 82-42-481-5536



# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

**PCT/US2010/039746**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
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		DE 60134625 D1	14.08.2008

**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

**PCT/US2010/039746**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
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		EP 1251804 B1	02.07.2008
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## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

CUMBERBATCH GUY

EDWARDS LIFESCIENCES LLC ONE EDWARDS WAY  
IRVINE CA 92614 USA

**PCT**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **30 MARCH 2011 (30.03.2011)**

Applicant's or agent's file reference

ECV-6253

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/US2010/039746**

International filing date (day/month/year)

**24 JUNE 2010 (24.06.2010)**

Priority date(day/month/year)

26 JUNE 2009 (26.06.2009)

International Patent Classification (IPC) or both national classification and IPC

*A61F 2/24(2006.01)i, A61M 29/00(2006.01)i, A61F 2/82(2006.01)i, A61M 25/10(2006.01)i, A61M 25/02(2006.01)i*

Applicant

**EDWARDS LIFESCIENCES CORPORATION et al**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.  
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR  
Korean Intellectual Property Office  
Government Complex-Daejeon, 189  
Cheongsu-ro, Seo-gu, Daejeon 302-  
701, Republic of Korea  
Facsimile No. 82-42-472-7140



Date of completion of this opinion

29 MARCH 2011 (29.03.2011)

Authorized officer

SHIN, JU CHEOL

Telephone No. 82-42-481-5536



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/039746**

**Box No. 1 Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

a. a sequence listing filed or furnished

- ☐ on paper
- ☐ in electronic form

b. time of filing or furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/039746**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-22	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-22	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-22	YES
	Claims	NONE	NO

**2. Citations and explanations :**

Reference is made to the following documents:

D1: US 2007-0213813 A1 (SYMETIS SA.) 13 September 2007  
D2: US 2008-0065198 A1 (JAMES QUINTESENZA) 13 March 2008  
D3: WO 01-54624 A1 (3F THERAPEUTICS, INC.) 02 August 2001  
D4: WO 02-076347 A1 (COOK INCORPORATED et al.) 03 October 2002

**1. Novelty and Inventive Step**

The subject matter of claim 1 differs from these prior art documents in that the prosthetic heart valve comprises a non-expandable annular support structure, valve leaflets, a suture-permeable ring, and a plastically-expandable coupling stent. And it is not obvious to a skilled person in the art by the documents, taken alone or in combination. Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2-7 are directly or indirectly referring to claim 1, and as such also meet the requirements of PCT Article 33(2) and (3).

The subject matter of claim 8 is a method of delivery and implant of a prosthetic heart valve system having the technical characteristics of claim 1. Therefore, claim 8 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step. Claims 9-15 are directly or indirectly referring to claim 8, and as such also meet the requirements of PCT Article 33(2) and (3).

The subject matter of claim 16 is a system for delivering of a prosthetic heart valve having the technical characteristics of claim 1. Therefore, claim 16 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step. Claims 17-22 are directly or indirectly referring to claim 8, and as such also meet the requirements of PCT Article 33(2) and (3).

**2. Industrial Applicability**

Claims 1-22 related to the prosthetic heart valve are industrially applicable under PCT Article 33(4).

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WHAT IS CLAIMED IS:

1. A prosthetic heart valve for implant at a heart valve annulus, comprising:
  - a non-expandable, non-collapsible annular support structure defining a flow orifice and having an inflow end;
  - valve leaflets attached to the support structure and mounted to alternately open and close across the flow orifice;
  - a suture-permeable ring circumscribing the inflow end of the support structure; and
  - a plastically-expandable coupling stent having a first end extending around the flow orifice and connected to the valve at the inflow end of the support structure, the coupling stent having a second end projecting in the inflow direction away from the support structure and being capable of assuming a contracted state for delivery to an implant position and an expanded state wider than the first end for outward contact with an annulus.
2. The system of claim 1, wherein the support structure includes a plurality of commissure posts projecting in an outflow direction, and the valve leaflets are flexible and attach to the support structure and commissure posts.
3. The system of claim 1, wherein the suture-permeable ring is a sewing ring, and wherein the coupling stent attaches to the sewing ring.
4. The system of claim 1, wherein in the contracted state the coupling stent is conical, tapering inward from the first end toward the second end.

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5. The system of claim 4, wherein in the expanded state the coupling stent is conical, tapering outward from the first end toward the second end.

6. The system of claim 5, wherein the coupling stent comprises a plurality of radially expandable struts at least some of which are arranged in rows, and wherein the distalmost row has the greatest capacity for expansion from the contracted state to the expanded state.

7. The system of claim 1, wherein the prosthetic valve comprises a commercially available valve and the suture-permeable ring is a sewing ring thereof having the plastically-expandable coupling stent connected to the sewing ring.

8. A method of delivery and implant of a prosthetic heart valve system, comprising:

providing a heart valve including a prosthetic valve having a non-expandable, non-collapsible orifice, the heart valve further including an expandable coupling stent extending from an inflow end thereof, the coupling stent having a contracted state for delivery to an implant position and an expanded state configured for outward connection to the annulus;

advancing the heart valve with the coupling stent in its contracted state to an implant position adjacent the annulus; and

expanding the coupling stent to the expanded state in contact with and connected to the annulus.

9. The method of claim 8, further including mounting the heart valve on a holder having a proximal hub and lumen therethrough, and mounting the holder on the distal end of a handle having a lumen therethrough, the



- 50 -

method including passing a balloon catheter through the lumen of the handle and the holder and within the heart valve, and inflating a balloon on the balloon catheter to expand the coupling stent.

10. The method of claim 9, further including packaging the heart valve mounted on the holder separately from the handle and the balloon catheter.

11. The method of claim 9, wherein the contracted state of the coupling stent is conical, and wherein the balloon on the balloon catheter has a larger distal expanded end than its proximal expanded end so as to apply greater expansion deflection to the coupling stent than to the prosthetic valve.

12. The method of claim 8, wherein the contracted state of the coupling stent is conical, and wherein the coupling stent comprises a plurality of radially expandable struts at least some of which are arranged in rows, and wherein the row farthest from the prosthetic valve has the greatest capacity for expansion from the contracted state to the expanded state.

13. The method of claim 8, wherein the coupling stent comprises a plurality of radially expandable struts, and a row farthest from the prosthetic valve has alternating peaks and valleys, and the method includes expanding the distal end of the coupling stent more than the rest of the coupling stent so that the peaks in the row farthest from the prosthetic valve project outward into the annulus.

14. The method of claim 8, including increasing the orifice size of the heart valve annulus by 1.0-5 mm by plastically expanding the coupling stent.

- 51 -

15. The method of claim 14, wherein the prosthetic valve of the valve component is selected to have an orifice size that matches the increased orifice size of the heart valve annulus.

16. A system for delivering a prosthetic heart valve, comprising:

a heart valve including a prosthetic valve having a non-expandable, non-collapsible orifice, the heart valve further including an expandable coupling stent extending from an inflow end thereof, the coupling stent having a contracted state for delivery to an implant position and an expanded state;

a valve holder connected to a proximal end of the heart valve;

a balloon catheter having a balloon; and

a handle configured to attach to a proximal end of the valve holder and having a lumen for passage of the catheter, the balloon extending distally through the handle, past the holder and through the heart valve.

17. The system of claim 16, wherein the prosthetic valve comprises a commercially available valve having a sewing ring, and wherein the coupling stent attaches to the sewing ring.

18. The system of claim 16, wherein the contracted state of the coupling stent is conical, tapering down in a distal direction.

19. The system of claim 16, wherein the contracted state of the coupling stent is conical and tapers down in a distal direction, and wherein the balloon catheter further includes a generally conical nose cone on a distal end thereof that extends through the heart valve and engages a distal end of the coupling stent in its contracted state.

- 52 -

20. The system of claim 16, wherein the handle comprises a proximal section and a distal section that may be coupled together in series to form a continuous lumen, and wherein the distal section is adapted to couple to the hub of the holder to enable manual manipulation of the heart valve using the distal section prior to connection with the proximal handle section.

21. The system of claim 20, wherein the balloon catheter and proximal handle section are packaged together with the balloon within the proximal section lumen.

22. The system of claim 16, wherein the heart valve mounted on the holder is packaged separately from the handle and the balloon catheter.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**EDWARDS LIFESCIENCES CORPORATION  
LEGAL DEPARTMENT  
ONE EDWARDS WAY  
IRVINE CA 92614**

**MAILED  
FEB 06 2012  
OFFICE OF PETITIONS**

**In re Application of  
Rafael Pintor et al  
Application No.: 12/821,628  
Filed: June 23, 2010  
Attorney Docket No.: ECV-6253  
For: UNITARY QUICK CONNECT  
PROSTETIC HEART VALVE AND  
DEPLOYMENT SYSTEM AND  
METHODS**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on October 25, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;


(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

  
David Bucci  
Petition Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MILLER LAW GROUP, PLLC  
25 STEVENS AVENUE  
WEST LAWN PA 19609

**MAILED**

**JUL 18 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Jean Jacques Jaouen	:	
Application No. 12/821,658	:	DECISION ON PETITION
Filed: June 23, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. Jaouen Bottle	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 22, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3754 for action on the merits commensurate with this decision.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions



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PATENT MANAGEMENT GROUP  
1320 NORTH COURT HOUSE ROAD  
9TH FLOOR  
ARLINGTON VA 22201-2909

**MAILED**  
**MAR 27 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Gregory D. TROXEL et al. :  
Application No. 12/821,662 : **DECISION ON PETITION**  
Filed: June 23, 2010 :  
Attorney Docket No. 04-4004C1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 08, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 23, 2012, as required by the Notice of Allowance and Fee(s) Due, mailed October 21, 2011. Accordingly, the date of abandonment of this application is January 24, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,740.00 and the publication fee of \$300.00, (2) the petition fee of \$1,860.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to the Office of Data Management for processing into a patent.

/Michelle R. Eason/  
Michelle R. Eason  
Paralegal Specialist  
Office of Petitions



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**TAYLOR RUSSELL & RUSSELL, P.C.**  
**10601 Ranch Road 2222**  
**STE-R12**  
**AUSTIN TX 78730-1138**

**MAILED**

**DEC 23 2010**

**OFFICE OF PETITIONS**

In Re application of  
Peter L. Hagelstein et al.  
Application No. 12/821,698  
Filed: June June 23, 2010  
Attorney Docket No. 801122

:  
:  
:  
:  
:

ON PETITION

This is a decision on the petition under 37 CFR 1.59(b), October 14, 2010 to expunge information from the above identified application.

The petition is **granted**.


Petitioner requests that document titled Response Under 37 CFR 1.111, filed September 30, 2010, be expunged from the record. Petitioner states that the information submitted was erroneously filed in the instant application.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. The information was clearly intended to be filed in an unrelated application.

The expunged material has been removed from the official file.

In accordance with MPEP 724.05(III), no petition is needed since the papers in question were clearly identified for a different application. Therefore, the petition fee is refunded.

Telephone inquiries relative to this decision should be directed to Carl Friedman at (571) 272-6842.

  
Carl Friedman  
Petitions Examiner  
Office of Petitions



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Biao FANG )  
Confirmation No.: 4461 )  
Serial No.: 12/821,725 )  
Filing Date: June 23, 2010 )  
Atty Docket No.: 244377-1 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: December 21, 2010

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 244377-1	Application Number (if known): 12/821,725	Filing date: June 23, 2010
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First Named Inventor: Biao FANG

Title: WIND TURBINE BLADES WITH AERODYNAMIC VORTEX ELEMENTS

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/

Date December 21, 2010

Name Douglas D. Zhang  
(Print/Typed)

Registration Number 37,985

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/821,725	06/23/2010	Biao Fang	244377/GEC-112	4461

87853 7590 01/04/2011  
Dority & Manning, PA and General Electric Company  
Post Office Box 1449  
Greenville, SC 29602

EXAMINER
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ART UNIT	PAPER NUMBER
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3745

MAIL DATE	DELIVERY MODE
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01/04/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Post Office Box 1449  
Greenville SC 29602

In re Application of	:	
FANG, BIAO et al	:	DECISION ON PETITION
Application No. 12/821,725	:	TO MAKE SPECIAL UNDER
Filed: June 23, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 244377/GEC-112	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Dec. 22, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/821,740	06/23/2010	Tadashi OKITA	4952-050 (FFA-2489)	4484
22429 7590 03/23/2011 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314			EXAMINER	
			ART UNIT	PAPER NUMBER
			2857	
			MAIL DATE	DELIVERY MODE
			03/23/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**LOWE HAUPTMAN HAM & BERNER, LLP**  
**1700 DIAGONAL ROAD**  
**SUITE 300**  
**ALEXANDRIA VA 22314**

**In re Application of**  
**OKITA et al.**  
**Application No.: 12/821,740**  
**Filed: 23 June 2010**  
**Attorney Docket No.: 4952-050 (FFA-2489)**  
**For: TOOL PATH DISPLAY**  
**APPARATUS FOR MACHINE TOOL**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 01 February 2011, to make the above-identified application special.

The prior decision of 05 March 2011 is whereby **VACATED**.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or



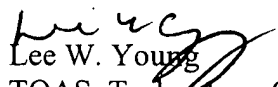
- ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

  
Lee W. Young  
TQAS, Technology Center 2800 – Semiconductors  
Electrical & Optical Systems & Components



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HOLLAND & HART, LLP  
P.O. BOX 8749  
DENVER CO 80201

**MAILED**  
**APR 02 2012**  
**OFFICE OF PETITIONS**

In re Application of	:	
Richard Ohman et al	:	
Application No. 12/821,757	:	DECISION ON PETITION
Filed: June 23, 2010	:	TO WITHDRAW
Attorney Docket No.: 76869.0001 (830001.US0)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 13, 2012.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request is filed by Brian P. Kinnear.


The Office no longer accepts an address change to the new practitioner identified in the request, absent the filing of a power of attorney to the new representative. The Office will, however, change the correspondence address of record to the most current address provided for (1) the intervening assignee of the entire interest or (2) the first named inventor.

The request to withdraw from record cannot be approved at this time, since a current correspondence address was not provided.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-3210.

All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



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HOLLAND & HART LLP  
P.O. BOX 8749  
DENVER CO 80201

**MAILED**

**APR 16 2012**

In re Application of  
Richard Ohman et al  
Application No. 12/821,757  
Filed: June 23, 2010  
Attorney Docket No. 76869.0001  
(830001.US0)

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 9, 2012.

The request is **NOT APPROVED**.

The request cannot be approved because the requested change in the correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

***An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.***

Therefore, as there is currently no Statement under 37 CFR 3.73(b) with the current assignee information of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle  
Petitions Examiner  
Office of Petitions



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MICHAEL BEST & FRIEDRICH LLP  
100 E WISCONSIN AVENUE  
Suite 3300  
MILWAUKEE WI 53202

MAILED SEP 20 2010

In re Application of: Kaczkowski et al.  
Application No.: 12/821804  
Filed: June 23, 2010  
Title: Motorcycle Saddlebag

: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02  
:

This is a decision on the petition filed on June 23, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

## REVIEW OF FACTS

The conditions I:1-4, II: 1-5, 5.3, 6, 6.1, 6.3, and 6.4 above are considered to have been met. However, the petition fails to comply with conditions II : 5.1, 5.2, 6.2, 6.5, and 6.6 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

## Discussion

When referring to "the petition" hereinbelow, the received papers under consideration include the PTO/SB/28 form, the "pre-examination search document" including pages 1-24; the "accelerated examination support document" comprising pages 1-34 and an Information Disclosure Statement including form PTO/SB/08A.

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 220, subclasses 845, 848, and 847; class 190, subclasses 19, 21, 124, and 109.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat "the independent claims", nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on [www.uspto.gov/web/patents/accelerated/](http://www.uspto.gov/web/patents/accelerated/) in "Guidelines for Applicants under the new accelerated examination procedures"):

*For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.*

In the instant petition, petitioner does not address each limitation and where it is (or state that it is not) found in each closest prior art. It would be preferable to use the exact limitations found in the claims rather than paraphrasing the claim language. By not addressing all limitations, it is not clear whether a limitation was overlooked in the discussion of the reference or not found in the reference.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such support exists. In the instant petition, the priority documents for which priority has been claimed have not been identified by application number in the 35 USC 112 1<sup>st</sup> paragraph support section, therefore, it is not clear that petitioner has support for the correct documents. In addition, petitioner has not addressed whether there are any means plus function claim elements. If there are none, a statement to such must be made.

Finally, regarding the requirements of section II element 6.6, the petition does not provide an identification of any cited references that may be disqualified under 35 U.S.C. 103(c). If there are no such references, a statement to such must be made.

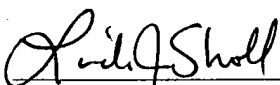
#### DECISION

For the above-stated reasons, the petition is dismissed. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Linda J. Sholl, TC 3700 Special Programs Examiner, at (571) 272-4391.



Linda J. Sholl  
Special Programs Examiner  
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Detlef Menke )  
Confirmation No.: 4608 )  
Serial No.: 12/821814 )  
Filing Date: 6-23-10 )  
Atty Docket No.: 239300-1 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: January 11, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755



**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 239300-1

Application Number  
(if known): 12821814

Filing date: 6-23-10

First Named  
Inventor: Detlef Menke

Title: OVERSPEED PROTECTION SYSTEM AND METHOD

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/

Date 12-30-2010

Name  
(Print/Typed) Douglas D. Zhang

Registration Number 37,985

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/821,814	06/23/2010	Detlef MENKE	239300	4608
52082	7590	01/20/2011		
General Electric Company GE Global Patent Operation 2 Corporate Drive, Suite 648 Shelton, CT 06484			EXAMINER	
			ART UNIT	PAPER NUMBER
			3745	
			NOTIFICATION DATE	DELIVERY MODE
			01/20/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gpo.mail@ge.com  
allyson.carnaroli@ge.com



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Alexandria, VA 22313-1450  
www.uspto.gov

General Electric Company  
GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton CT 06484

In re Application of	:	
MENKE, DETLEF et al	:	DECISION ON PETITION
Application No. 12/821,814	:	TO MAKE SPECIAL UNDER
Filed: June 23, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 239300	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 10, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to development of renewable energy and energy conservation. This is not convincing. For example, it is not clear how the claimed overspeed protection system will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Friedrich Loh )  
Confirmation No.: 4608 )  
Serial No.: 12/821814 )  
Filing Date: 6-23-10 )  
Atty Docket No.: 239300 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Request for Reconsideration**

SIR:

This is responsive to the Decision on Petition, dated as mailed 20 January 2011, in the above-referenced application.

Applicant respectfully requests reconsideration of Applicant's Petition to Make Special on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

Applicant respectfully submits that the present invention is directed to methods and systems for preventing an overspeed condition of a wind turbine. A particular operating limitation of a wind turbine is a maximum rotational speed of the wind rotor. This threshold value of the rotor speed typically depends on the layout of the entire wind turbine. In order to maintain safe operating conditions, the maximum rotor speed should not be exceeded. Therefore, braking of the wind rotor is usually initiated if an overspeed condition is detected, i.e. if the rotor speed exceeds a threshold value. Typically, this threshold value is lower or equal to the maximum allowable rotor speed. For larger wind turbine, the rotor

may not be stopped by mechanical rotor brakes alone since the torque generated from the wind is too high. Therefore, aerodynamic braking of the wind turbine is used in these cases to reduce the rotor speed. Aerodynamic braking involves adjustment of the pitch angles of the rotor blades. For example, the pitch angles may be adjusted so that only a smaller fraction of power is captured from the incoming wind. Thus, the internal friction and the electrical load from the generator will slow down the rotor speed of the wind turbine. Typically, the aerodynamic braking is controlled by the wind turbine controller which is an electronic control device adapted to control the various processes of a wind turbine.

Embodiments described herein provide a system capable of preventing a turbine from entering an overspeed condition even in cases where the internal communication system of the wind turbine is corrupted and the electric or electronic system of the wind turbine is damaged. An overspeed protection system for a wind turbine includes a rotation sensor adapted for measuring a rotor speed of said wind turbine; a comparator connected to the rotation sensor and adapted for comparing the measured rotor speed with a predetermined threshold value of the rotor speed wherein the comparator outputs a signal indicative of the comparison; and an auxiliary pitch drive controller connected to the comparator and adapted to receive the signal indicative of the comparison, the auxiliary pitch drive controller being further adapted for controlling a pitch drive unit of the wind turbine independently of a main turbine controller and, if the



threshold value is exceeded, to adjust a pitch angle of the rotor blade of the wind turbine so that aerodynamic braking of the wind turbine is effected.

The present invention prevents an overspeed rotation of the wind turbine rotor and provides a safe operation for the wind turbine. Thus even in heavy wind situations, damage to the wind turbine may be avoided. The present invention materially contributes to the development of renewable energy by operating the wind turbine in a mode that prevents damage commonly caused when a wind turbine operates in an overspeed condition. As such the present invention prevents interruptions in wind turbine operation, which in turn promotes increased energy production.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: February 15, 2011

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/821,814	06/23/2010	Detlef MENKE	239300	4608
52082	7590	02/25/2011	EXAMINER	
General Electric Company GE Global Patent Operation 2 Corporate Drive, Suite 648 Shelton, CT 06484			ART UNIT	PAPER NUMBER
			3745	
			NOTIFICATION DATE	DELIVERY MODE
			02/25/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gpo.mail@ge.com  
allyson.camaroli@ge.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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[www.uspto.gov](http://www.uspto.gov)

General Electric Company  
GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton CT 06484

In re Application of	:	
MENKE, DETLEF et al	:	DECISION ON PETITION
Application No. 12/821,814	:	TO MAKE SPECIAL UNDER
Filed: June 23, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 239300	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed Feb. 15, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is granted.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Friedrich LOH )  
Confirmation No.: 4789 )  
Serial No.: 12/821,909 )  
Filing Date: June 23, 2010 )  
Atty Docket No.: 244023-1 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: December 20, 2010

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 244023-1

Application Number  
(if known): 12/821,909

Filing date: June 23, 2010

First Named  
Inventor: Friedrich LOH

Title: METHODS AND SYSTEMS FOR OPERATING A WIND TURBINE

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/

Date December 20, 2010

Name Douglas D. Zhang  
(Print/Typed)

Registration Number 37,985

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/821,909	06/23/2010	Friedrich Loh	244023 (AT 22402-224)	4789
45432 7590 01/05/2011 PATRICK W. RASCHE (22402) ARMSTRONG TEASDALE LLP 7700 Forsyth Boulevard Suite 1800 St. Louis, MO 63105			EXAMINER PONOMARENKO, NICHOLAS	
			ART UNIT 2839	PAPER NUMBER
			NOTIFICATION DATE 01/05/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USpatents@armstrongteasdale.com





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PATRICK W. RASCHE (22402)  
ARMSTRONG TEASDALE LLP  
7700 Forsyth Boulevard  
Suite 1800  
St. Louis MO 63105

In re Application of	:	
LOH et al.	:	DECISION ON PETITION
Application No. 12/821,909	:	TO MAKE SPECIAL UNDER
Filed: June 23, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 244023 (AT 22402-224)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on December 21, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

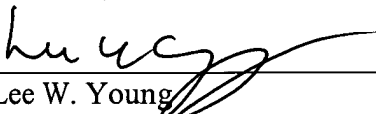
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2839 for action in its regular turn.



---

Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



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**KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834**

**MAILED**

**AUG 01 2011**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Anant V. Hegde et al.	:	
Application No. 12/821,912	:	<b>DECISION ON PETITION</b>
Filed: June 23, 2010	:	<b>TO WITHDRAW</b>
Attorney Docket No. 026705-000340US	:	<b>FROM RECORD</b>
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 5, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because a proper forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71.

The inventor/assignee is advised to file a revocation of power of attorney and change of correspondence address.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Pavad Medical, Inc.  
Attn: John F. Thompson, Esq.  
826 Coal Creek Circle  
Louisville, CO 80027

30 AUG 2010



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HOUSTON ELISEEVA  
420 BEDFORD ST  
SUITE 155  
LEXINGTON MA 02420

In re Application of	:	
Komissarova et al.	:	DECISION
Application No.: 12/821,916	:	
Filing Date: 23 June 2010	:	ON
Attorney Docket No.: 248.1US	:	
For: Mix For Identification Test In The Process Of	:	PETITION
Quality Control Of The Medicine 'Glycine Tablets	:	
For Sublingual Applying 0,1G' Methods Of Its...	:	

The petition to revive under 37 CFR 1.137(b) filed on 23 June 2010 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner appears to request revival of international application PCT/RU2008/000130 for purposes of establishing co-pendency with the instant application, which was filed under 35 U.S.C. 111(a). Said international application was filed on 06 March 2008, claimed an earliest priority date of 07 March 2007, and designated the United States. A copy of the published international application was transmitted to the USPTO on 12 September 2008. The international application became abandoned with respect to the national stage in the United States for failure to timely pay the basic national fee by midnight on 07 September 2009.

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have paid the petition fee. The required reply (in the form of the instant continuation application) has been filed. No terminal disclaimer is required. Therefore, the request to revive international application PCT/RU2008/000130 for purposes of establishing co-pendency is granted. Co-pendency having been established, said international application again stands abandoned with respect to the national stage in the United States.

This application is being returned to the Office of Patent Application Processing.

/George Dombroske/  
George Dombroske  
PCT Legal Examiner  
Office of PCT Legal Administration  
Tel: (571) 272-3283



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INTEL CORPORATION  
c/o CPA Global  
P.O. BOX 52050  
MINNEAPOLIS MN 55402

**MAILED**

**MAY 05 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Soares et al. :  
Application No. 12/821,935 : **ON PETITION**  
Filed: June 23, 2010 :  
Attorney Docket No. P33687 :  
For: REGION BASED TECHNIQUE FOR  
ACCURATELY PREDICTING MEMORY  
ACCESSES

This is a decision on the petition under 37 CFR 1.137(b), filed April 12, 2011, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." Petitioners are advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed July 2, 2010; which set an extendable two month period for reply. No extensions of time being obtained and no reply being filed, the application became abandoned on September 3, 2010. A Notice of Abandonment was mailed on March 15, 2011.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed.;
- (2) the petition fee as set forth in 37 CFR 1.17(m);
- (3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

- (4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The large entity fee for filing a petition to revive an unintentionally abandoned application under 37 CFR 1.137(b) is set forth in 37 CFR 1.17(m) as \$1620.00. A review of Office financial records indicates that petitioners' credit card was declined. Therefore, petitioners have paid **no** fees in connection with this petition.

The payment of the petition fee is a prerequisite to the filing of a petition to revive under 37 CFR 1.137(b). This requirement cannot be waived. MPEP 711.03(c)(III)(B). Therefore, consideration of the merits of the petition before receipt of the petition fee is prohibited.

Further correspondence with respect to this matter should be addressed as follows:


**By mail:** Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

**By hand:** U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**By FAX:** (571) 273-8300 – ATTN: Office of Petitions

**By internet:** EFS-Web  
[www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html)  
(for help using EFS-Web call the  
Patent Electronic Business Center  
at (866) 217-9197)

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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INTEL CORPORATION  
c/o CPA Global  
P.O. BOX 52050  
MINNEAPOLIS MN 55402

MAILED

MAY 31 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :  
Soares et al. :  
Application No. 12/821,935 :  
Filed: June 23, 2010 :  
Attorney Docket No. P33687 :  
For: REGION BASED TECHNIQUE FOR :  
ACCURATELY PREDICTING MEMORY :  
ACCESSES :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 13, 2011, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed July 2, 2010, which set an extendable two month period for reply. No extensions of time being obtained and no reply being filed, the application became abandoned on September 3, 2010. A Notice of Abandonment was mailed on March 15, 2011.

Petitioners have submitted a proper reply to the July 2, 2010 Notice in the form of an executed declaration and \$130.00 surcharge, an acceptable statement of the unintentional nature of the delay in responding to the July 2, 2010 Notice, and the \$1,620.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

*Shirene Willis Brantley*  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions





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**MAILED**

**APR 01 2011**

**OFFICE OF PETITIONS**

**INGRASSIA FISHER & LORENZ, P.C. (GME)  
7010 E. COCHISE ROAD  
SCOTTSDALE AZ 85253**

In re Application of	:	
Jochen Werner et al	:	DECISION REFUSING STATUS
Application No. 12/821,979	:	UNDER 37 CFR 1.47(a)
Filed: June 23, 2010	:	
Attorney Docket No. 060.0329US	:	

This is in response to the petition under 37 CFR 1.47(a), filed January 7, 2011.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on June 23, 2010, without an executed oath or declaration. Accordingly, on July 7, 2010, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration, and a surcharge for their late filing.

On January 7, 2011, the required surcharge, and petition fee were paid, along with a four (4) month extension of time. A declaration was filed naming Jochen Werner, Hassan Mir and Alexander Leich as joint inventors, signed by all inventors except Jochen Werner on behalf of themselves and non-signing inventor Park.

Petitioner assert, via the declaration of Mr. Saul M. Solano an employee of Ingrassia, Fisher and Lorenz, P.C., that a copy of the application was emailed and mailed to the to the non-signing inventor's last known address, but that no response was received.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a surcharge of \$130 or \$65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and
- (5) a statement of the last known address of the non-signing inventor.

The petition lacks item (1).

The petition does not include adequate proof of the unavailability of inventor Werner. Petitioner shows that all of the application papers were presented by Federal Express delivery to an address in Germany. However, it is not clear that this is the address of inventor Werner. The FedEx receipt suggests that the papers were delivered to an address with receptionist/front desk service and signed by a person named "Schmidt" and not by inventor Werner. Further, the address to which the papers were delivered is different from the address set forth on the declaration for inventor Werner. There is no explanation for the discrepancy. Moreover, there is no showing in the record of a response by inventor Werner in the form of a refusal or acknowledgement of receipt of the papers (e.g., a subsequent phone call or letter refusing to sign). Under circumstances such as this, where there is a question as to whether the application papers were actually delivered to the inventor's address, it cannot be inferred that his failure to respond to the mailing constitutes a refusal. It is just as likely assumed that he never received the mailing.

Alternatively, petitioner has not shown diligent efforts to locate the inventor. As discussed above, there is no explanation of the discrepancy between the address used to present the application papers and the address set forth on the declaration.

If an inventor(s) cannot be reached at his or her last known address, petitioners must provide details, in an affidavit or declaration of facts by a person with first hand knowledge of the details, of the efforts, such as Internet, e-mail, or telephone directory searches, which have been undertaken to locate that inventor, send or give a copy of the application papers to him or her, and request that he or she sign and return the declaration.

The transmission of documents via Email, while a common practice, can be problematic. Transmission and receipt of documents-whether in image, word-processing, spreadsheet or other form-can be effected by differences in software generation between the sender and recipient(s),

and other interferences include but are not limited to sender's and recipient's Internet service provider's (ISP) and/or office/personal security firewall systems.

Thus, in the absence of an express statement from a non-signing inventor(s) that he/she/they have received, opened and read a document, unlike a printed page in the language of the recipient there is as of this writing no basis to presume that an Emailed document was in a form that can be read and comprehended.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration **by the party to whom the refusal was made**. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:                      Mail Stop PETITIONS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     Customer Service Window  
                                    Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

By fax:                        (571) 273-8300  
                                    ATTN: Office of Petitions

By internet:                EFS-Web  
                                    [www.uspto.gov/ebs/efs\\_help.html](http://www.uspto.gov/ebs/efs_help.html)  
                                    (for help using EFS-Web call the  
                                    Patent Electronic Business Center  
                                    at (866) 217-9197)

Application No. 12/821,979

-4-

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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INGRASSIA FISHER & LLORENZ, P.C. (gme)  
7010 E. COCHISE ROAD  
SCOTTSDALE AZ 85253

**MAILED**  
**JUN 21 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Jochen Werner et al	:	
Application No. 12/821,979	:	DECISION NOTING JOINDER OF
Filed: June 23, 2010	:	INVENTOR AND PETITION
Attorney Docket No. 060.0329US	:	UNDER 37 CFR 1.47(a)
	:	

Papers filed on June 17, 2011 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed April 1, 2011, included a Declaration signed by a previously non-signing inventor, Jochen Werner, in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

This application is being referred to Technology Center AU 3612 for examination by the Examiner in the normal course of business.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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7010 E. COCHISE ROAD  
SCOTTSDALE AZ 85253

**MAILED**

**APR 01 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Jochen Werner et al	:	DECISION REFUSING STATUS
Application No. 12/822,007	:	UNDER 37 CFR 1.47(a)
Filed: June 23, 2010	:	
Attorney Docket No. 060.0330US	:	

This is in response to the petition under 37 CFR 1.47(a), filed January 7, 2011.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on June 23, 2010, without an executed oath or declaration. Accordingly, on July 7, 2010, the Office of Patent Application Processing mailed a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration, and a surcharge for their late filing.

On January 7, 2011, the required surcharge, and petition fee were paid, along with a four (4) month extension of time. A declaration was filed naming Jochen Werner, Hassan Mir and Alexander Leich as joint inventors, signed by all inventors except Jochen Werner on behalf of themselves and non-signing inventor Park.

Petitioner assert, via the declaration of Mr. Saul M. Solano an employee of Ingrassia, Fisher and Lorenz, P.C., that a copy of the application was emailed and mailed to the to the non-signing inventor's last known address, but that no response was received.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a surcharge of \$130 or \$65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and
- (5) a statement of the last known address of the non-signing inventor.

The petition lacks item (1).

The petition does not include adequate proof of the unavailability of inventor Werner. Petitioner shows that all of the application papers were presented by Federal Express delivery to an address in Germany. However, it is not clear that this is the address of inventor Werner. The FedEx receipt suggests that the papers were delivered to an address with receptionist/front desk service and signed by a person named "Schmidt" and not by inventor Werner. Further, the address to which the papers were delivered is different from the address set forth on the declaration for inventor Werner. There is no explanation for the discrepancy. Moreover, there is no showing in the record of a response by inventor Werner in the form of a refusal or acknowledgement of receipt of the papers (e.g., a subsequent phone call or letter refusing to sign). Under circumstances such as this, where there is a question as to whether the application papers were actually delivered to the inventor's address, it cannot be inferred that his failure to respond to the mailing constitutes a refusal. It is just as likely assumed that he never received the mailing.

Alternatively, petitioner has not shown diligent efforts to locate the inventor. As discussed above, there is no explanation of the discrepancy between the address used to present the application papers and the address set forth on the declaration.

If an inventor(s) cannot be reached at his or her last known address, petitioners must provide details, in an affidavit or declaration of facts by a person with first hand knowledge of the details, of the efforts, such as Internet, e-mail, or telephone directory searches, which have been undertaken to locate that inventor, send or give a copy of the application papers to him or her, and request that he or she sign and return the declaration.

The transmission of documents via Email, while a common practice, can be problematic. Transmission and receipt of documents-whether in image, word-processing, spreadsheet or other form-can be effected by differences in software generation between the sender and recipient(s),

and other interferences include but are not limited to sender's and recipient's Internet service provider's (ISP) and/or office/personal security firewall systems.

Thus, in the absence of an express statement from a non-signing inventor(s) that he/she/they have received, opened and read a document, unlike a printed page in the language of the recipient there is as of this writing no basis to presume that an Emailed document was in a form that can be read and comprehended.

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration **by the party to whom the refusal was made**. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

- By mail:                      Mail Stop PETITIONS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450
- By hand:                      Customer Service Window  
                                    Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314
- By fax:                        (571) 273-8300  
                                    ATTN: Office of Petitions
- By internet:                EFS-Web  
                                    [www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html)  
                                    (for help using EFS-Web call the  
                                    Patent Electronic Business Center  
                                    at (866) 217-9197)



Application No. 12/822,007

-4-

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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INGRASSIA FISHER & LORENZ, P.C. (GME)  
7010 E. COCHISE ROAD  
SCOTTSDALE AZ 85253

**MAILED**

JUN 23 2011

OFFICE OF PETITIONS

In re Application of	:	
Jochen Werner et al	:	DECISION NOTING JOINDER OF
Application No. 12/822,007	:	INVENTOR AND PETITION
Filed: June 23, 2010	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 060.0330US	:	

Papers filed on June 17, 2011 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed April 1, 2011, included a Declaration signed by a previously non-signing inventor, Jochen Werner, in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

This application is being referred to Technology Center AU 3782 for examination by the Examiner in the normal course of business.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

/KOC/  
Karen Creasy  
Petitions Examiner  
Office of Petitions



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**MORRISON & FOERSTER LLP**  
**1650 TYSONS BOULEVARD**  
**SUITE 400**  
**MCLEAN VA 22102**

**MAILED**

**MAR 28 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
<b>MATHIAS, Peter et al.</b>	:	
Application No. 12/822,018	:	<b>DECISION ON PETITION</b>
Filed: June 23, 2010	:	<b>TO WITHDRAW</b>
Attorney Docket No. <b>509672000101</b>	:	<b>FROM RECORD</b>
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 20, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Therefore, as there is currently no statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request for Withdrawal.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

A handwritten signature in black ink, appearing to read "Michelle R. Eason", with a stylized flourish at the end.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **MATHIAS AND CO., INC.**  
**3456 E. GRANITE VIEW DRIVE**  
**PHOENIX, AZ 85044**



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**MORRISON & FOERSTER LLP**  
**1650 TYSONS BOULEVARD**  
**SUITE 400**  
**MCLEAN VA 22102**

**MAILED**

**JUN 06 2011**

**OFFICE OF PETITIONS**

In re Application of

**MATHIAS, Peter et al.**

Application No. 12/822,018

Filed: June 23, 2010

Attorney Docket No. **509672000101**

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 06, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Alex Chartove on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time. The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

A handwritten signature in black ink, appearing to read "Michelle R. Eason", with a stylized flourish at the end.

Michelle R. Eason  
Paralegal Specialist  
Office of Petitions

cc: **MATHIAS AND CO., INC.**  
**3456 E. GRANITE VIEW DRIVE**  
**PHOENIX, AZ 85044**



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Mark H. Krietzman  
c/o The Eclipse Group  
Suite 150  
1920 Main Street  
Irvine CA 92614

**MAILED**

**MAR 28 2011**

**OFFICE OF PETITIONS**

In re Application of  
John Nino, et al.  
Application No. 12/822,040  
Filed: June 23, 2010  
Attorney Docket No. 37928-10101

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed February 15, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.111; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

A courtesy copy of this decision is being mailed to the address on the request. However, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions

cc: Marlan D. Walker  
2050 Main Street, Suite 600  
Irvine, CA 92614





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CHOATE HALL & STEWART LLP  
TWO INTERNATIONAL PLACE  
BOSTON, MA 02110

**MAILED**

**DEC 20 2010**

In re Application of  
Thomas L. Zampini et al  
Application No. 12/822,047  
Filed: June 23, 2010  
Attorney Docket No.: 2007719-0030 (I2S-  
015CON)

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 24, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request is filed by Brenda Herschbach Jarrell on behalf of all the practitioners of record.

The Office no longer accepts an address change to the new practitioner identified in the request, absent the filing of a power of attorney to the new representative. The Office will, however, change the correspondence address of record to the most current address provided for (1) the intervening assignee of the entire interest or (2) the first named inventor.

The request to withdraw from record cannot be approved at this time, since the Customer Number provided (48329) does not identify the intervening assignee of the entire interest or the first named inventor.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-3210. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

Irvin Dingle  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/822,079	06/23/2010	Hirotooshi Miyazawa	TOSH/0132US	5117
26290 7590 03/21/2011 PATTERSON & SHERIDAN, L.L.P. 3040 POST OAK BOULEVARD SUITE 1500 HOUSTON, TX 77056			EXAMINER MEHTA, BHAVESH M	
			ART UNIT	PAPER NUMBER
			2624	
			MAIL DATE	DELIVERY MODE
			03/21/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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www.uspto.gov

PATTERSON & SHERIDAN, L.L.P.  
3040 POST OAK BOULEVARD  
SUITE 1500  
HOUSTON TX 77056

In re Application of	:	
MIYAZAWA, HIROTOSHI	:	DECISION ON REQUEST TO
Application No. 12/822,079	:	PARTICIPATE IN PATENT
Filed: June 23, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. TOSH/0132US	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 20, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Doris To/

---

Doris To  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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**MAILED**

**MAY 17 2011**

**OFFICE OF PETITIONS**

ARNOLD & PORTER LLP (24126)  
ATTN: SV DOCKETING DEPT.  
1801 PAGE MILL ROAD, SUITE 110  
PALO ALTO, CA 94304

In re Application of :  
Heather Flores et al :  
Application No. 12/822,093 : **DECISION ON PETITION**  
Filed: June 23, 2010 :  
Attorney Docket No. GNE-0174 P3C1 US :

This is a decision on the petition, filed April 21, 2011, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Notice to File Missing Parts of Nonprovisional Application (Notice) of August 12, 2010, which set a two (2) month period for reply. Five month (5) extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, a reply was due on or before March 12, 2011.

Applicants state that a timely reply was filed March 10, 2011, which includes the following: Declaration signed by the inventors; Replacement Figures; Basic filing, search and examination fees; Petition for Extension of Time (5 months); and Surcharge for late filing of the Declaration.

Office record show a timely reply was received under 37 CFR 1.8 on March 10, 2011, which includes the above-identified items and fees.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of August 12, 2010 is hereby withdrawn and the application restored to pending status.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries related to this decision should be directed to Irvin Dingle at (571) 272-3210.

This application is being referred to the Office of Patent Examination Processing.

A handwritten signature in black ink, appearing to read "Irvin Dingle", is written over the printed name.

Irvin Dingle  
Petitions Examiner  
Office of Petitions

cc: Ginger R. Dreger  
Arnold & Porter LLP  
1400 Page Mill Road  
Palo Alto, CA 94304



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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

**MAILED**  
**APR 11 2011**  
**OFFICE OF PETITIONS**

In re Application of:	:	
Mattson et al.	:	
Application No. 12/822106	:	DECISION DISMISSING
Filing or 371(c) Date: 06/23/2010	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
AUTOMATIC-LOCKING SAFETY NEEDLE	:	
COVERS AND METHODS OF USE	:	
AND MANUFACTURE	:	

This Decision is in response to the "Petition for Prosecution of Application by other than all the Inventors Under 37 C.F.R. 1.47(A)," filed February 4, 2011, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). The petition is properly treated under 37 C.F.R. 1.47(a).

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under [insert the applicable code section]"; should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

**Background**

The above-identified application was filed on June 23, 2010, without, an oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application, on July 7, 2010, requiring *inter alia*, a properly signed oath or declaration.

**The present petition**

Applicant files the present petition wherein Applicant provides, in relevant part, that an email attaching the inventor declaration, and notifying the inventor that the patent application would be available to read at the inventor's former employers' place of business, was sent to the non-signing inventor on August 12, 2010.

On September 15, 2010, the inventor indicated that he and his attorney would be available to see the patent application.

On September 28, 2010, the inventor provided that he had reviewed the declaration and refused to sign the declaration.

Applicable Law, Rules and MPEP

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), the MPEP provides:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the non-signing inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration.

MPEP 409.03(d).

Analysis

Applicant has not presented evidence that a copy of the application papers were sent to the last known address of the non-signing inventor. Applicant must present a copy of the application papers to the nonsigning inventor. Applicant is cautioned that receipt of an application transmitted via email must be demonstrated by Applicant before a petition may be granted. While receipt of an email may be confirmed by the sender, receipt of an email attachment may not be confirmed by the sender. Applicant must present a copy of the application papers to the nonsigning inventor. The MPEP provides

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the



statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

MPEP 409.03(d).

In this instance, Applicant provides that the non-signing inventor was informed that the patent application would be available to read at the inventor's former employers' place of business. Applicant must mail the application (specification, claims and drawings), to the last known address of the inventors. That address should be the last known address at which the inventors customarily receive mail. See MPEP § 605.03. Ordinarily, the last known address will be the last known residence of the nonsigning inventor.

Conclusion

Applicant must present a copy of the application to the nonsigning inventor before a refusal to join in the application may be alleged.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

By FAX: (571) 273-8300  
Attn: Office of Petitions

By hand: Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions



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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

**MAILED**

**MAY 13 2011**

**OFFICE OF PETITIONS**

In re Application of:	:	
Mattson et al.	:	
Application No. 12/822106	:	DECISION GRANTING
Filing or 371(c) Date: 06/23/2010	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
AUTOMATIC-LOCKING SAFETY NEEDLE	:	
COVERS AND METHODS OF USE	:	
AND MANUFACTURE	:	

This Decision is in response to the correspondence filed May 4, 2011, in response to a decision dismissing a petition under 37 CFR 1.47(a). The correspondence is properly treated as a request for reconsideration of petition to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s) under 37 C.F.R. 1.47(a).

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Mark W. Godfrey, refuses to join in the above-identified application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to Technology Center Art Unit 3763 for examination in the normal course of business.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions



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MR. MARK W. GODFREY  
38337 CHESTNUT CIRCLE  
MURIETTA, CA 92563

**MAILED**

MAY 13 2011

## OFFICE OF PETITIONS

In re Application of:  
Mattson et al.  
Application No. 12/822106  
Filing or 371(c) Date: 06/23/2010  
Title of Invention:  
AUTOMATIC-LOCKING SAFETY NEEDLE  
COVERS AND METHODS OF USE  
AND MANUFACTURE

LETTER

Dear Mr. Godfrey:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions

CC: KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/822,119	06/23/2010	Omesh Persaud	016222-054020US	5197
66945	7590	09/14/2010		
TOWNSEND AND TOWNSEND CREW LLP TWO EMBARCADERO CENTER, 8TH FLOOR SAN FRANCISCO, CA 94111			EXAMINER LEE, SEUNG H	
			ART UNIT 2887	PAPER NUMBER
			MAIL DATE 09/14/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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TOWNSEND AND TOWNSEND CREW LLP  
TWO EMBARCADERO CENTER, 8TH FLOOR  
SAN FRANCISCO CA 94111

In re Application of:	:	
PERSAUD et al.	:	
Serial No.: 12/822,119	:	DECISION ON PETITION TO
Filed: June 23, 2010	:	MAKE SPECIAL FOR NEW
Title: CARD INCLUDING ACCOUNT NUMBER	:	APPLICATION UNDER 37 C.F.R.
WITH VALUE AMOUNT	:	§ 1.102 & M.P.E.P. § 708.02
	:	

This is a decision on the petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) filed June 23, 2010.

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

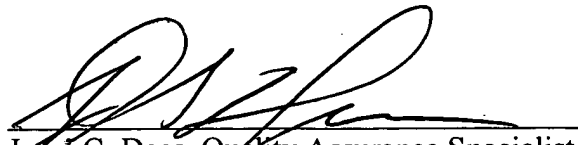
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.



Jose' G. Dees, Quality Assurance Specialist  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. BOX 2938  
MINNEAPOLIS MN 55402

**MAILED**

**MAR 25 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Miller, Parry, Leung, :  
Venslovaitis, Webster, Lefebvre, : DECISION REFUSING STATUS  
and Tien : UNDER 37 CFR 1.47(a)  
Application Number: 12/822,134 :  
Filing Date: 06/23/2010 :  
Attorney Docket Number: :  
1126.001US2 :

This is a decision on the petition filed on February 3, 2011,  
under 37 CFR 1.47(a).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of  
this decision to reply, correcting the below-noted deficiencies.  
Any reply should be entitled "Request for Reconsideration of  
Petition Under 37 CFR 1.47(a)," and should only address the  
deficiencies noted below, except that the reply may include an  
oath or declaration executed by the non-signing inventor.

**FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.**

Extensions of time may be obtained in accordance with 37 CFR  
1.136(a).

The above-identified application was filed on June 23, 2010,  
without an executed oath or declaration. Accordingly, on July 1,  
2010, the Office of Patent Application Processing mailed a Notice  
to File Missing Parts of Nonprovisional Application, requiring,  
*inter alia*, an executed oath or declaration and a surcharge for  
its late filing.

In response, on February 3, 2010 (certificate of mailing date  
February 1, 2010), petitioners filed, *inter alia*, a declaration  
naming Douglas J. Miller, Alan O. Parry, Philip C. Leung, Ed



Venslovaitis, Earl Webster, Dan Lefebvre, and Hao Tien, as joint inventors, signed by inventors, Miller, Parry, Vensolvaitis, and Lefebvre on behalf of themselves and non-signing joint inventors Leung, Webster, and Tien. A five (5) month extension of time was filed, along with the petition fee and late-filing surcharge and the requiring filing fees.

Petitioners assert that a copy of the application was sent by mail to the last known addresses of the non-signing inventors. The mailing sent to Leung and Webster received no response, while the mailing sent to Tien was returned as undeliverable. Petitioners further state that the application was forwarded by email to each of the inventors. Inventor Leung sent back an email stating the matter should be referred to his former employer, while no response was received from the other inventors.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a surcharge of \$130 or \$65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and
- (5) a statement of the last known address of the non-signing inventor.

The petition lacks item (1).

With regard to item (1), petitioners have not provided that the non-signing inventor Tien cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings).

Further, the transmission of documents via Email, while a common practice, can be problematic. Transmission and receipt of documents-whether in image, word-processing, spreadsheet or other form-can be effected by differences in software generation between the sender and recipient(s), and other interferences include but are not limited to sender's and recipient's Internet service provider's (ISP) and/or office/personal security firewall systems.

Thus, in the absence of an express statement from a non-signing inventor(s) that he/she/they have received, opened and read a document, unlike a printed page in the language of the recipient there is as of this writing no basis to presume that an Emailed document was in a form that can be read and comprehended.

Petitioners should verify the last known address of the non-signing inventor, and, if a more recent address is discovered, provide a copy of the application as filed to the non-signing inventor at the inventor's most recent address. In any event, a copy of the subject application and declaration must be sent to the non-signing inventor. Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

If the application is returned as undeliverable, petitioners should provide a copy of an envelope showing that a letter sent to the last known address of the non-signing inventor was returned as undeliverable by the post office. Details of the efforts made to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of fact.

If the inventor cannot be reached at his or her last known address, petitioners must provide details, in an affidavit or declaration of facts by a person with first hand knowledge of the details, of the efforts, such as Internet, e-mail, or telephone directory searches, which have been undertaken to locate that inventor, send or give a copy of the application papers to him or her, and request that he or she sign and return the declaration.

If repeated attempts to contact the inventor by telephone, mail, and e-mail, are unsuccessful, petitioners will have established that the inventor cannot be found despite diligent efforts.

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petition  
                  Commissioner for Patents  
                  P.O. Box 1450  
                  Alexandria, VA 22313-1450

By FAX:           (571) 273-8300  
                  Attn: Office of Petitions

By hand:           Customer Service Window  
                  Mail Stop Petition  
                  Randolph Building  
                  401 Dulany Street  
                  Alexandria, VA 22314

A reply may also be filed via EFS-Web.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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DW Jun-11

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. BOX 2938  
MINNEAPOLIS MN 55402

**MAILED**

**JUN 24 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Miller et al.	:	DECISION NOTING JOINDER
Application Number: 12/822,134	:	OF INVENTOR AND PETITION
Filing Date: 06/23/2010	:	UNDER 37 CFR 1.47(a) MOOT
Attorney Docket Number:	:	
1126.001US2	:	

Papers filed on May 24, 2011, in response to the decision dismissing petition mailed on March 25, 2011, included a Declaration signed by the previously non-signing inventor, Hao Tien.

The petition is **dismissed as moot**.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

This application will be referred to Technology Center Art Unit 3627 for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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P.O. BOX 2938  
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**MAILED**  
**JUL 29 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Miller, Parry, Leung, : DECISION ACCORDING STATUS  
Venslovaitis, Webster, Lefebvre, : UNDER 37 CFR 1.47(a)  
and Tien :  
Application Number: 12/822,134 :  
Filing Date: 06/23/2010 :  
Attorney Docket Number: :  
1126.001US2 :

This is a decision in response to the renewed petition under 37 CFR 1.47(a), filed on July 21, 2011.

The petition is **GRANTED**.

Petitioners have shown that a copy of the application was sent by mail to the last known address of non-signing inventors Leung and Webster, but that no response was received.<sup>1</sup> On May 24, 2011, a declaration signed by previously non-signing inventor Tien was received.

As such, the showing of record is that the non-signing inventors have refused by conduct to join in the filing of the application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses listed in the original petition, not the Declaration.

<sup>1</sup> It is noted that the renewed petitions filed on May 24, 2011 and July 21, 2011, stated that inventor Dan Lefebvre had refused to sign the oath or declaration. On February 3, 2011, however, a declaration signed by joint inventor Lefebvre was received.

Notice of the filing of this application will also be published in the *Official Gazette*.

The application is being referred to Technology Center Art Unit 3627 for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

A handwritten signature in black ink, appearing to read "D. Wood", is positioned above the typed name.

Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



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PHILIP C. LEUNG  
67 FORDCOMBE CRES  
MARKHAM ON L3R 3E7  
CANADA

**MAILED**  
**JUL 29 2011**  
**OFFICE OF PETITIONS**


In re Application of  
Miller et al.  
Application No. 12/822,134  
Filed: 06/23/2010  
For: SYSTEM AND METHOD FOR RAIL TRANSPORT OF TRAILERS

Dear Mr. Webster:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

  
Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/822,249	06/24/2010	Yasusuke IWASHITA	47260-5126 (454274)	5494
55694 7590 04/13/2011 DRINKER BIDDLE & REATH (DC) 1500 K STREET, N.W. SUITE 1100 WASHINGTON, DC 20005-1209			EXAMINER BENSON, WALTER	
			ART UNIT 2837	PAPER NUMBER
			NOTIFICATION DATE 04/13/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DBRIPDocket@dbr.com  
penelope.mongelluzzo@dbr.com





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**DRINKER BIDDLE & REATH (DC)**  
**1500 K STREET, N.W.**  
**SUITE 1100**  
**WASHINGTON DC 20005-1209**

**In re Application of**  
**IWASHITA et al.**  
**Application No.: 12/822,249**  
**Filed: 24 June 2010**  
**Attorney Docket No.: 47260-5126 (454274)**  
**For: 3D-TRAJECTORY DISPLAY**  
**DEVICE FOR MACHINE TOOL**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 28 February 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;

2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
TQAS, Technology Center 2800 – Semiconductors  
Electrical & Optical Systems & Components



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

Auto Electronica Inc.  
Dail Robert Cox, CEO  
3850 Beverly Street  
Boise ID 83709

**MAILED**  
**JUN 20 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Dail Robert COX et al. : **ON PETITION**  
Application No. 12/822,282 :  
Filed: June 24, 2010 :  
Atty. Docket No.: AEC0102 :

This is a decision on the petition to withdraw the holding of abandonment filed April 25, 2011, which is being treated as a petition under 37 CFR 1.181. This is also decision on the petition under 37 CFR 1.137(b), filed April 25, 2011, to revive the above-identified application.

The petition under 37 CFR 1.181 is **DISMISSED**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The application was held abandoned for failure to properly reply in a timely manner to the Notice to File Missing Parts mailed July 6, 2010, which set a shortened period of reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. The application thus became abandoned on September 7, 2010. Notices of Abandonment were mailed on March 15, 2011(returned) and April 14, 2011.

The showing required to establish non-receipt of an Office communication must include:

(1) a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

(2) Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.

(3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the **master docket report** showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See MPEP §711.03(c)(I)(A).

The petition lacks items (1) and (3).

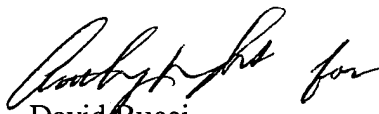
Additionally, it is noted that the petition under 37 CFR 1.181 is signed by only one inventor, as opposed to the requirement that it be signed by all inventors.

With respect to the petition under 37 CFR 1.137(b), the petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of the \$78 fee, (2) a petition fee of \$810, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Regarding the issue relating to the problem with correspondence address, the above-listed address is the current correspondence address at the Office. If the above address is incorrect, a change of address should be filed in accordance with MPEP 601.03.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to the Office of Patent Application Processing for further action.

A handwritten signature in black ink, appearing to read "David Bucci", followed by the word "for" in a cursive script.

David Bucci  
Petitions Examiner  
Office of Petitions

cc: Dail Robert Cox  
2169 Tattenham Ave.  
Boise, ID 83713

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 83151469

Application Number  
(if known): 12822296

Filing date: June 24, 2010

First Named  
Inventor: Zheng Xu

Title: Shallow Piston Bowl And Injector Spray Pattern For A Gasoline, Direct-Injection Engine

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /David S. Bir/

Date 03-04-2011

Name  
(Print/Typed) David S. Bir

Registration Number 38383

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program  
(Not to be Submitted to the USPTO)**

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/822,296	06/24/2010	Zheng Xu	83151469	5581
28395 7590 03/16/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER	
			ART UNIT	PAPER NUMBER
			3747	
			MAIL DATE	DELIVERY MODE
			03/16/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

In re Application of  
XU, ZHENG et al  
Application No. 12/822,296  
Filed: June 24, 2010  
Attorney Docket No. 83151469

:

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY  
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 7, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to energy conservation or greenhouse gas reduction. This is not convincing. For example, it is not clear how the claimed machining a bowl will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3747 for action in its regular turn.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Zheng Xu

Serial No.: 12/822,296

Filed: June 24, 2010

For: Shallow Piston Bowl And Injector Spray Pattern For A Gasoline,  
Direct-Injection Engine

Group Art Unit: 3747

Examiner: Unknown

Attorney Docket No.: 83151469

**REQUEST FOR RECONSIDERATION OF DECISION ON PETITION  
FOR THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Decision on the Petition mailed March 16, 2011, Applicant respectfully requests reconsideration of the petition and Statement in support filed March 7, 2011 for the reasons stated herein.

In the decision dismissing the petition, it was stated that the petition lacked item #4, i.e. a statement pertaining to the materiality standard. Applicant respectfully disagrees as a statement in support of the materiality standard was filed with the petition on March 7, 2011. The decision stated that it was not clear how the claimed method for machining a piston bowl satisfied the requirements for a grantable petition. While Applicant does not agree that these claims are ineligible, the claims have been canceled without prejudice in a concurrently filed preliminary amendment.

As explained in detail in the previously filed statement, Applicant respectfully submits that the above-identified application is eligible for the "Green Technology Pilot Program" as

materially contributing to the more efficient utilization and conservation of energy resources, as well as the reduction of greenhouse gas emissions.

The invention as claimed in claim 1, for example, is directed to a combustion system that includes an improved piston bowl particularly suited for use in a gasoline direct injection engine, for example. The claimed piston includes a convex dome with a spherical concave bowl defined in the dome located proximate the intake valves. Because the bowl is smooth and shallow, the surface area of the combustion chamber is less than the surface area associated with a deeper bowl of complicated shape. Lowering surface area in the combustion chamber leads to improved fuel economy. As such, the invention as claimed in claim 1, for example, materially contributes to the conservation of energy resources by improving fuel economy as well as reducing associated greenhouse gas emissions.

As explained in the specification, direct injection of fuel into the combustion chamber of a gasoline direct injection (GDI) internal combustion engine potentially saves fuel, reduces emissions, and increases torque/power compared with conventional port fuel injection (PFI) engines. Fuel is sprayed directly into the combustion chamber where it vaporizes and mixes with air and is later ignited by a spark plug. The main fuel saving mechanism of homogeneous charge GDI is charge cooling from the fuel vaporization process that allows a higher compression ratio for more efficient engine operation. Charge cooling is also responsible for the increased torque potential of GDI engines via higher volumetric efficiency at full load. Air inducted into the engine is denser due to charge cooling, thereby allowing more air to be inducted and more power to be produced. Reduced emissions from GDI engines are possible compared with PFI engines due to stratified charge combustion using split injection during cold start, an operating condition contributing a large fraction of emissions. Split injection produces lower emissions during cranking by minimizing injected fuel mass and reducing liquid fuel surface wetting. It also enables faster catalyst light-off through high-heat flux retarded spark timing.

The claimed invention is directed to a combustion system for a direct-injection, spark-ignition engine. A side-mounted fuel injector located outboard the intake valves directs multiple fuel jets into a shallow, spherical bowl formed in a domed piston. Both good mixing to facilitate

good air utilization with early injection and an ignitable mixture at the spark plug with late injection to facilitate cold start are provided with such a combustion system. Because the bowl is smooth and shallow, the surface area of the combustion chamber is less than with a deeper bowl of complicated shape. Lowering surface area in the combustion chamber leads to improved fuel economy.

As such, the claimed invention materially contributes to conservation of energy resources and the reduction of greenhouse gas emissions.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

Applicant has canceled claims 18-20 to obviate the only deficiency identified in the decision dismissing the petition. As such, Applicant respectfully requests reconsideration and granting of the petition filed on March 4, 2011.

No additional fee is believed to be due as a result of filing this paper. However, please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

**ZHENG XU**

By:       /David S. Bir/        
David S. Bir  
Reg. No. 38383  
Attorney for Applicant

Date:   April 4, 2011  

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/822,296	06/24/2010	Zheng Xu	83151469	5581
28395 7590 04/26/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER	
			ART UNIT	PAPER NUMBER
			3747	
			MAIL DATE	DELIVERY MODE
			04/26/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

In re Application of  
XU, ZHENG et al  
Application No. 12/822,296  
Filed: June 24, 2010  
Attorney Docket No. 83151469

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY  
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed April 5, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: FMC3113PUS(83145390)

Application Number  
(if known): 12822307

Filing date: June 24, 2010

First Named  
Inventor: Mark G. Smith

Title: Electric Compartment Cooling Apparatus and Method

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement to Make Special

Signature /Gary A. Smith/

Date March 9, 2011

Name Gary A. Smith  
(Print/Typed)

Registration Number 39376

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Mark G. Smith

Serial No.: 12/822,307

Filed: June 24, 2010

For: Electric Compartment Cooling Apparatus and Method

Attorney Docket No.: 83145390 (FMC 3113 PUS)

Group Art Unit: 3744

Examiner: Unknown

**STATEMENT SUPPORTING ELIGIBILITY REQUIREMENT OF  
THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Statement of Special Status for the Eligibility Requirement is being filed concurrently with a Petition To Make Special Under the Green Technology Pilot Program (PTO/SB/420), and pursuant to the requirements of 74 Fed. Reg. 64,666 (Dec. 8, 2009), as amended by 75 Fed. Reg. 28, 554 (May 21, 2010) and 75 Fed. Reg. 68049 (Nov. 10, 2010).

Applicant respectfully submits that the above-identified application is eligible for the "Green Technology Pilot Program" as materially contributing to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions.

As explained in the specification at page 2, lines 8-12, and page 7, lines 24-32, for example, the above-identified application describes and claims an invention that provides improved cooling for an electronics compartment, such as the battery compartment of an electrically-powered vehicle. In an electrically-powered vehicle, improved cooling of the heat-

generating electrical components directly yields more efficient operation of the powertrain. In addition, the claimed invention provides increased passenger comfort without the need for expending more energy (in the form of electrical power and/or increased load on an internal combustion engine) to run an air conditioning unit (see page 8, lines 18-24). As such, the claimed invention materially contributes to conservation of energy resources and/or the reduction of greenhouse gas emissions.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

The publication fee under 37 C.F.R. § 1.18(d) of \$300 has been paid upon filing. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

**Mark G. Smith**

By:            /Gary A. Smith/  
       Gary A. Smith  
       Reg. No. 39,376  
       Attorney for Applicant

Date: March 9, 2011

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: FMC3113PUS(83145390)

Application Number  
(if known): 12822307

Filing date: June 24, 2010

First Named  
Inventor: Mark G. Smith

Title: Electric Compartment Cooling Apparatus and Method

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement to Make Special

Signature /Gary A. Smith/

Date March 9, 2011

Name Gary A. Smith  
(Print/Typed)

Registration Number 39376

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Mark G. Smith

Serial No.: 12/822,307

Filed: June 24, 2010

For: Electric Compartment Cooling Apparatus and Method

Attorney Docket No.: 83145390 (FMC 3113 PUS)

Group Art Unit: 3744

Examiner: Unknown

**STATEMENT SUPPORTING ELIGIBILITY REQUIREMENT OF  
THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

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Applicant respectfully submits that the above-identified application is eligible for the “Green Technology Pilot Program” as materially contributing to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions.

As explained in the specification at page 2, lines 8-12, and page 7, lines 24-32, for example, the above-identified application describes and claims an invention that provides improved cooling for an electronics compartment, such as the battery compartment of an electrically-powered vehicle. In an electrically-powered vehicle, improved cooling of the heat-

generating electrical components directly yields more efficient operation of the powertrain. In addition, the claimed invention provides increased passenger comfort without the need for expending more energy (in the form of electrical power and/or increased load on an internal combustion engine) to run an air conditioning unit (see page 8, lines 18-24). As such, the claimed invention materially contributes to conservation of energy resources and/or the reduction of greenhouse gas emissions.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

The publication fee under 37 C.F.R. § 1.18(d) of \$300 has been paid upon filing. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

**Mark G. Smith**

By:            /Gary A. Smith/  
       Gary A. Smith  
       Reg. No. 39,376  
       Attorney for Applicant

Date: March 9, 2011

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/822,307	06/24/2010	Mark G. Smith	83145390	5605

28395	7590	03/22/2011
BROOKS KUSHMAN P.C./FGTL		
1000 TOWN CENTER		
22ND FLOOR		
SOUTHFIELD, MI 48075-1238		

EXAMINER	
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ART UNIT	PAPER NUMBER
3749	

MAIL DATE	DELIVERY MODE
03/22/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

In re Application of	:	
SMITH, MARK G.	:	DECISION ON PETITION
Application No. 12/822,307	:	TO MAKE SPECIAL UNDER
Filed: June 24, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83145390	:	PILOT PROGRAM

This is a decision on the petitions under 37 CFR 1.102, filed March 9, 2011 and March 11, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the



Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. For example, it is not clear how the claimed "valve movable to direct air exiting the electric compartment to the HVAC intake and/or to the air dump path" will provide and enhance the quality of the environment or contribute to energy conservation or greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application is currently undergoing pre-examination processing. The application will be forwarded to the Technology Center Art Unit 3745 for action in its regular turn.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/822,328	06/24/2010	Masahiro SUGIMOTO	09227.0023-01	5643
22852	7590	06/14/2011	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			ART UNIT	PAPER NUMBER
			2811	
			MAIL DATE	DELIVERY MODE
			06/14/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON DC 20001-4413**

**In re Application of  
SUGIMOTO et al.  
Application No.: 12/822,328  
Filed: 24 June 2010  
Attorney Docket No.: 09227.0023-01  
For: III-V HEMT DEVICES**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 09 June 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;

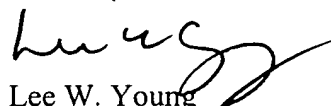
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
TQAS, Technology Center 2800 – Semiconductors  
Electrical & Optical Systems & Components



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

**MAILED**

**JUL 19 2011**

**OFFICE OF PETITIONS**

**Auto Electronica Inc.  
Dail Robert Cox, CEO  
3850 Beverly Street  
Boise ID 83709**

In re Application of	:	
Dail Robert COX et al.	:	ON PETITION
Application No. 12/822,360	:	
Filed: June 24, 2010	:	
Atty. Docket No.: AEC0101	:	

This is a decision on the petition to withdraw the holding of abandonment filed April 25, 2011, which is being treated as a petition under 37 CFR 1.181. This is also decision on the petition under 37 CFR 1.137(b), filed April 25, 2011, to revive the above-identified application.

The petition under 37 CFR 1.181 is **DISMISSED**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The application was held abandoned for failure to properly reply in a timely manner to the Notice to File Missing Parts mailed July 6, 2010, which set a shortened period of reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. The application thus became abandoned on September 7, 2010. A Notice of Abandonment was mailed April 25, 2011.

The showing required to establish non-receipt of an Office communication must include:

(1) a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

(2) Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.

(3) A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the **master docket report** showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. See MPEP §711.03(c)(I)(A).

The petition lacks items (1) and (3).

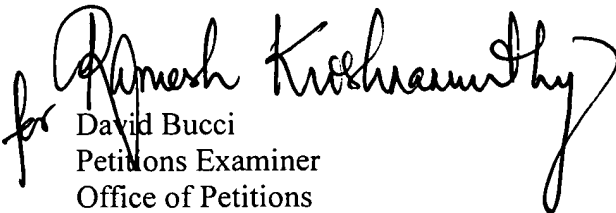
Additionally, it is noted that the petition under 37 CFR 1.181 is signed by only one inventor, as opposed to the requirement that it be signed by all inventors.

With respect to the petition under 37 CFR 1.137(b), the petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of the \$78 surcharge, (2) a petition fee of \$810, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Regarding the issue relating to the problem with correspondence address, the above-listed address is the current correspondence address at the Office. If the above address is incorrect, a change of address should be filed in accordance with MPEP 601.03.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to the Office of Patent Application Processing for further action.

  
for David Bucci  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 16 2010

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MARK S. NOWOTARSKI  
30 GLEN TERRACE  
STAMFORD CT 06906

In re application of: : **DECISION ON PETITION**  
Menzies, Steven et al. : **TO MAKE SPECIAL FOR**  
Application No.: 12/822,371 : **NEW APPLICATION**  
Filed: Jun 24, 2010 : **UNDER 37 CFR 1.102**  
For: REINSURANCE PARTICIPATION PLAN

This is a decision on the petition filed on June 24, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the



amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination

process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.

A handwritten signature in black ink, appearing to read 'Robert Weinhardt', is written over a horizontal line.

Robert Weinhardt  
Business Practice Specialist  
Technology Center 3600

RW/8/15/10



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MAILED**

**OCT 25 2010**

**OFFICE OF PETITIONS**

**DIEHL SERVILLA LLC  
33 WOOD AVE SOUTH  
SECOND FLOOR, SUITE 210  
ISELIN NJ 08830**

In re Application of

**RADHAKRISHNAN, Gopinath et al.**

Application No. 12/822,390

Filed: June 24, 2010

Attorney Docket No. **ANS0204-00US**

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 30, 2010.

The request is **moot** because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to DIEHL SERVILLA LLC has been revoked by the assignee of the patent application on September 30, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **MOSER IP LAW GROUP/ANSELL LIMITED  
1030 BROAD STREET, SUITE 203  
SHREWSBURY NJ 07702**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

**MAILED**

**MAR 06 2012**

**OFFICE OF PETITIONS**

**NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON VA 22203**

In re Application of	:	DECISION ON REQUEST TO
Masashi YAMASAKI et al.	:	PARTICIPATE IN PPH PROGRAM
Application No. 12/822,396	:	AND PETITION TO MAKE SPECIAL
Filed: June 24, 2010	:	UNDER 37 CFR 1.102(a)
Atty. Docket No.: MNL-2018-2542	:	
For: DRIVE APPARATUS	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 7, 2012 to make the above-identified application special.

The petition and request are **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

1. The U.S. application is a Paris convention application that either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more application filed in the JPO or to a PCT application that contains no priority claims, or is a national stage application under the PCT that either validly claims priority to an application filed in the JPO or to a PCT application that contains no priority claims, or that contains no priority claim, or is a bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application that validly claims priority to an application filed in the JPO, to a PCT application that contains no priority claims, or contain no priority claim;
2. Applicant must ensure all the claims in the U.S. application sufficiently correspond or amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application and submit a claim correspondence table in English;
3. Examination of the U.S. application has not begun;

4. Applicant must submit a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s), or if the allowable/patentable claim(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal, or if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form, and an English language translation of the JPO Office action if submitted; and

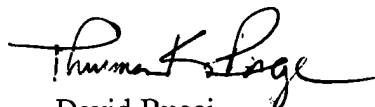
5. Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action, unless already submitted in this application, and copies of the documents except U.S. patents or U.S. patent application publications, unless already submitted in this application.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.

This application will be forwarded to Technology Center Art Unit 2834 for action commensurate with this decision.



David Bucci  
Petitions Examiner  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 099431-0119 (DYC0010US02)

Application Number  
(if known): 12/822421

Filing date: 6/24/2010

First Named  
Inventor: Brian Chemel

Title: LED-BASED LIGHTING METHODS, APPARATUS, AND SYSTEMS EMPLOYING LED LIGHT BARS... (formerly FIXTURE WITH INDIVIDUAL LIGHT MODULE DIMMING)

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication:** Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature

Date

Name  
(Print/Typed) Joseph Teja, Jr.

Registration Number

7/28/11  
45,157

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: CHEMEL et al.

Title: LED-BASED LIGHTING METHODS, APPARATUS, AND  
SYSTEMS EMPLOYING LED LIGHT BARS, OCCUPANCY  
SENSING, AND LOCAL STATE MACHINE  
(formerly FIXTURE WITH INDIVIDUAL LIGHT MODULE  
DIMMING)

Appl. No.: 12/822421

Filing Date: 6/24/2010

Art Unit: 2821

Confirmation 5813  
Number:

**STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT—GREEN  
TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant submits this Statement in support of their Petition to make the above-identified patent application special under the Green Technology Pilot Program.

The above-identified patent application (published as Publication No. 2010-0301773) meets the requirements for inclusion in the Pilot Program for Green Technologies Including Greenhouse Gas Reduction of the United States Patent and Trademark Office set forth in the Federal Register, Vol. 74, No. 234 (December 8, 2009); the Federal Register, Vol. 75, No. 98 (May 21, 2010); and the Federal Register, Vol. 75, No. 217 (November 10, 2010).

The statement of special status for the eligibility requirement for the above-identified application is as follows.

The above-identified application is directed to occupancy-based lighting methods, apparatus, and systems employing light emitting diodes (LEDs). The LEDs are arranged as a plurality of LED light bars that provide variable lighting at a plurality of light levels. The variable lighting provided by the light bars is adjusted based at least in part on occupancy information provided by one or more occupancy sensors.

The methods, apparatus and systems to which the application and claims pertain represent a significant advance in the area of energy conservation and environmental quality by intelligently managing artificial light sources based on sensed occupancy conditions, thereby reducing energy consumption.

Accordingly, it is respectfully submitted that the above-identified application is clear on its face that the claimed invention materially contributes to energy conservation, and satisfies all of the requirements for the Pilot Program for Green Technologies Including Greenhouse Gas Reduction.

The above-identified application was published as U.S. Patent Application Publication No. 2010-0301773 on December 2, 2010. The publication fee under 37 CFR § 1.18(d) accompanies the Petition.

If additional information regarding the above-identified application or the underlying invention is required, the Patent Office is requested to contact the undersigned.

Date 7/20/11

FOLEY & LARDNER LLP  
Customer Number: 48329  
Telephone: (617) 342-4029  
Facsimile: (617) 342-4001

Respectfully submitted,

By [Signature]

Joseph Teja, Jr.  
Attorney for Applicant  
Registration No. 45,157





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/822,421	06/24/2010	Brian J. Chemel	5788 - 101677	5813
28289 7590 08/26/2011 THE WEBB LAW FIRM, P.C. ONE GATEWAY CENTER 420 FT. DUQUESNE BLVD, SUITE 1200 PITTSBURGH, PA 15222			EXAMINER OWENS, DOUGLAS W	
			ART UNIT 2821	PAPER NUMBER
			NOTIFICATION DATE 08/26/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@webblaw.com



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Alexandria, VA 22313-1450  
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THE WEBB LAW FIRM, P.C.  
ONE GATEWAY CENTER  
420 FT. DUQUESNE BLVD, SUITE 1200  
PITTSBURGH PA 15222

AUG 26 2011

In re Application of	:	
Chemel et al.	:	DECISION ON PETITION
Application No. 12822421	:	TO MAKE SPECIAL UNDER
Filed: June 24, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 5788 - 101677	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on June 29, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

The application is being forwarded to the appropriate Technology Center Art Unit for action on the merits commensurate with this decision.

/Colleen Dunn/

---

Colleen Dunn  
Quality Assurance Specialist  
Technology Center 2800



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

JACKSON WALKER LLP  
901 MAIN STREET  
SUITE 6000  
DALLAS TX 75202-3797

**MAILED**

**DEC 14 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Hansen et al. :  
Application No. 12/822,567 : **ON PETITION**  
Filed: June 24, 2010 :  
Attorney Docket No. TRI-0001 :  
(133790.00006) :

This is a decision on the petition under 37 CFR 1.47(b), filed October 7, 2010, which is being treated under 37 CFR 1.147(a).

Petitioners are reminded that when one joint inventor signs, the provisions of 37 CFR 1.47(a) apply. Where 37 CFR 1.47(a) is available, application cannot be made under 37 CFR 1.47(b). MPEP 409.03(b)

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Richard Dominguez, has constructively refused to join in the filing of the above-identified application.


Regarding fees, deposit account no. 10-0096 will be charged the \$200.00 Rule 47 petition fee.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After the mailing of this decision, the application will be referred to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3230.

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

# PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 099431-0120 (DYC0010US03)

Application Number (if known): 12/822577

Filing date: 6/24/2010

First Named Inventor: Brian Chemel

Title: LED-BASED LIGHTING METHODS, APPARATUS, AND SYSTEMS EMPLOYING LED LIGHT BARS... (formerly Fixture with Replaceable Light Bars)

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication:** Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

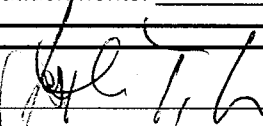
3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature



Date

7/28/11

Name (Print/Typed)

Joseph Teja, Jr.

Registration Number

45,157

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: CHEMEL et al.

Title: LED-BASED LIGHTING METHODS, APPARATUS, AND  
SYSTEMS EMPLOYING LED LIGHT BARS, OCCUPANCY  
SENSING, LOCAL STATE MACHINE, AND TIME-BASED  
TRACKING OF OPERATIONAL MODES (formerly  
FIXTURE WITH REPLACEABLE LIGHT BARS)

Appl. No.: 12/822577

Filing Date: 6/24/2010

Examiner: Hargobind S. Sawhney

Art Unit: 2885

Confirmation 6088  
Number:

**STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT—GREEN  
TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant submits this Statement in support of their Petition to make the above-identified patent application special under the Green Technology Pilot Program.

The above-identified patent application (published as Publication No. 2010-0302779) meets the requirements for inclusion in the Pilot Program for Green Technologies Including Greenhouse Gas Reduction of the United States Patent and Trademark Office set forth in the Federal Register, Vol. 74, No. 234 (December 8, 2009); the Federal Register, Vol. 75, No. 98 (May 21, 2010); and the Federal Register, Vol. 75, No. 217 (November 10, 2010).

The statement of special status for the eligibility requirement for the above-identified application is as follows.

The above-identified application is directed to occupancy-based lighting methods, apparatus, and systems employing light emitting diodes (LEDs). The LEDs are arranged as a plurality of LED light bars that provide variable lighting at a plurality of light levels. The variable lighting provided by the light bars is adjusted based at least in part on occupancy information provided by one or more occupancy sensors.

The methods, apparatus and systems to which the application and claims pertain represent a significant advance in the area of energy conservation and environmental quality by intelligently managing artificial light sources based on sensed occupancy conditions, thereby reducing energy consumption.

Accordingly, it is respectfully submitted that the above-identified application is clear on its face that the claimed invention materially contributes to energy conservation, and satisfies all of the requirements for the Pilot Program for Green Technologies Including Greenhouse Gas Reduction.

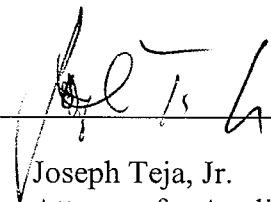
The above-identified application was published as U.S. Patent Application Publication No. 2010-0302779 on December 2, 2010. The publication fee under 37 CFR § 1.18(d) accompanies the Petition.

If additional information regarding the above-identified application or the underlying invention is required, the Patent Office is requested to contact the undersigned.

Respectfully submitted,

Date 7/25/11

FOLEY & LARDNER LLP  
111 Huntington Ave  
Boston, Massachusetts 02199  
Telephone: (617) 342-4029  
Facsimile: (617) 342-4001

By 

Joseph Teja, Jr.  
Attorney for Applicant  
Registration No. 45,157





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/822,577	06/24/2010	Brian J. Chemel	5788-101678	6088
28289 7590 08/26/2011 THE WEBB LAW FIRM, P.C. ONE GATEWAY CENTER 420 FT. DUQUESNE BLVD, SUITE 1200 PITTSBURGH, PA 15222			EXAMINER SAWHNEY, HARGOBIND S	
			ART UNIT 2885	PAPER NUMBER
			NOTIFICATION DATE 08/26/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@webblaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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THE WEBB LAW FIRM, P.C.  
ONE GATEWAY CENTER  
420 FT. DUQUESNE BLVD, SUITE 1200  
PITTSBURGH PA 15222

AUG 26 2011

In re Application of	:	
Chemel et al.	:	DECISION ON PETITION
Application No. 12/822577	:	TO MAKE SPECIAL UNDER
Filed: June 24, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 88-101678	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on June 29, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

The application is being forwarded to the appropriate Technology Center Art Unit for action on the merits commensurate with this decision.

/Colleen Dunn/

---

Colleen Dunn  
Quality Assurance Specialist  
Technology Center 2800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Roelant van der BOS )  
Confirmation No.: 6159 )  
Serial No.: 12/822,626 )  
Filing Date: June 24, 2010 )  
Atty Docket No.: 244546-1 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,  
General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: December 28, 2010

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 244546-1	Application Number (if known): 12/822,626	Filing date: June 24, 2010
----------------------------------	---	----------------------------

First Named Inventor: Roelant van der BOS

Title: FASTENING DEVICE FOR ROTOR BLADE COMPONENT

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/

Date December 28, 2010

Name Douglas D. Zhang  
(Print/Typed)

Registration Number 37,985

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Roelant van der BOS )  
Confirmation No.: 6159 )  
Serial No.: 12/822,626 )  
Filing Date: June 24, 2010 )  
Atty Docket No.: 244546-1 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,  
General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: December 28, 2010

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/822,626	06/24/2010	Roelant van der Bos	244546/GEC-121	6159
87853	7590	01/05/2011		
Dority & Manning, PA and General Electric Company Post Office Box 1449 Greenville, SC 29602			EXAMINER NGUYEN, NINH H	
			ART UNIT 3745	PAPER NUMBER
			MAIL DATE 01/05/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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Dority & Manning, PA and General Electric Company  
Post Office Box 1449  
Greenville SC 29602

In re Application of	:	
VAN DER BOS, ROELANT et al	:	DECISION ON PETITION
Application No. 12/822,626	:	TO MAKE SPECIAL UNDER
Filed: June 24, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 244546/GEC/121	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Dec. 29, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO**

Application No.:	12/822,688	First Named Inventor:	Keith S. Everson
Filing Date:	June 24, 2010	Attorney Docket No.:	507644
Title of the Invention:	Container Having A Pre-Curved Lid		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/DFS\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html).

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2011/041578

The international filing date of the corresponding PCT application(s) is/are: June 23, 2011

**I. List of Required Documents:**

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**
  - ☐ is attached.
  - ☒ is not attached because the document is already in the U.S. application.
- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**
  - ☒ is attached.
  - ☐ is not attached because the document is already in the U.S. application.
- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**
- d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**
  - ☐ is attached.
  - ☒ has already been filed in the above-identified U.S. application on 02/07/2012 and 03/06/2012
- (2) Copies of all documents (except for U.S. patents or U.S. patent application publications)**
  - ☐ are attached.
  - ☒ have already been filed in the above-identified U.S. application on 02/07/2012 and 03/06/2012

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/822,688	First Named Inventor:	Keith S. Everson
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## II. Claims Correspondence Table:

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature <b>/Jeremy R. Bridge/</b>	Date <b>March 20, 2012</b>
Name (Print/Typed) <b>Jeremy R. Bridge</b>	Registration Number <b>61423</b>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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Baker Botts L.L.P.  
910 Louisiana Street, One Shell Plaza  
HOUSTON TX 77002

**MAILED**

**MAR 22 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Peleg :  
Application No.: 12/822,712 :  
Filed: June 24, 2010 :  
Attorney Docket No.: 016295.4162 :

**ON PETITION**

This is in response to the petition under 37 CFR 1.47(b), filed February 7, 2011.

The petition is dismissed.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration;
- (2) an acceptable oath or declaration;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor;
- (5) proof of proprietary interest; and
- (6) proof of irreparable damage.

This petition lacks items (2), and (5) set forth above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration has not been signed by a properly empowered representative of the Rule 1.47 applicant. **No one** has signed the declaration. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 listing Mr. Peleg's information, signed by the Rule 1.47 applicant on behalf of Mr. Peleg is **REQUIRED**. See MPEP 409.03(b).

MPEP 409.03(b) states that typically when a corporation is the Rule 47 applicant, an officer should sign the declaration and provide his/her title. Where an oath is signed by a registered attorney on behalf of a corporation, either proof of the attorney's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney may simply state that he is authorized to sign on behalf of the corporation. The Rule 47 applicant must state his/her relationship to the inventor as required by 37 CFR 1.64.

As to item (5), Rule 47 petitioner failed to provide sufficient proof that Dell Global B.V. – Singapore Branch has proprietary interest in the subject matter to justify the filing of the application (see MPEP 409.03(f)). Acceptable proof would include a copy of the employment agreement between the non-signing inventor and the Rule 47(b) applicant, a copy of an assignment agreement showing that the invention disclosed in the application is assigned to the Rule 47(b) applicant, or a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 47(b) applicant.

Intellectual Property Assignment dated February 18, 2010 contains insufficient information to establish that petitioner has proprietary interest in Nir Peleg's invention.

The current Rule 47 petition fee is \$200.00. Petitioner has paid only \$130.00. Pursuant to petitioner's authorization, deposit account no. 50-2148 will be charged the \$70.00 balance due.

Further correspondence with respect to this matter should be addressed as follows:

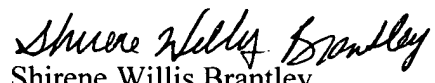
**By mail:** Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

**By hand:** U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**By FAX:** (571) 273-8300 - ATTN: Office of Petitions

**By internet:** EFS-Web  
[www.uspto.gov/ebs/efs\\_help.html](http://www.uspto.gov/ebs/efs_help.html)  
(for help using EFS-Web call the  
Patent Electronic Business Center  
at (866) 217-9197)

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, reading "Shirene Willis Brantley". The signature is written in a cursive, flowing style.

Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions





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910 Louisiana Street, One Shell Plaza  
HOUSTON TX 77002

**MAILED**

**SEP 30 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Peleg	:	ON PETITION
Application No.: 12/822,712	:	
Filed: June 24, 2010	:	
Attorney Docket No.: 016295.4162	:	

This is in response to the renewed petition under 37 CFR 1.47(b), filed September 22, 2011.

The petition is granted.


Petitioner has shown that the non-signing inventor, Nir Peleg, has constructively refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to Technology Center A.U. 2157 for examination in due course.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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SEP 09 2010

DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600

BLANK ROME LLP  
WATERGATE  
600 NEW HAMPSHIRE AVENUE, N.W.  
WASHINGTON DC 20037

In re Application of:

AVELLAN, ABEL et al.

Serial No.: 12/822,759

Filed: June 24, 2010

Title: **SYSTEM AND METHOD FOR  
ENABLING ULTRA SMALL  
APERTURE COMMUNICATION  
ANTENNA USING SPECTRAL  
REPLICATION AND COHERENT  
FREQUENCY AND PHASE  
COMBINING**

:  
:  
:  
:  
:  
DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the petition filed on June 24, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

## II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
  - 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
  - 5.3. encompass the disclosed features that may be claimed.
  6. must provide in support of the petition an accelerated examination support document.
- An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The conditions set forth under section I. above are considered to have been met. However, the petition fails to comply with conditions set forth under section II Items 5, 5.1-5.3, 6.2, 6.3, and 6.5.

Regarding the requirement in item 5, and 5.1 - 5.3 above, petitioner makes the following statement, "*A Pre-Examination Search was made for the invention as defined by the present claims, which is submitted concurrently herewith in a Pre-Examination Search Statement that includes an identification of the field of search by United States class and subclass, the search logic used as a query, the name of the files searched and the database service, and the dates of the searches.*". However, a review of the file record reveals that there is no such document that includes a Pre-Examination Search Statement **which includes an identification of the field of search by United States class and subclass, the search logic used as a query, the name of the files searched and the database service, and the dates of the searches.**

Regarding the requirement in items 6.2 and 6.3 above, petitioner does not provide an identification of claimed limitations and/or a detailed explanation of patentability of each of the claims ***with respect to each reference*** cited in the IDS in support of the Accelerated Examination Support Document. Petitioner has only identified and also argued the patentability of the claims in regard to fifteen of the twenty six cited references in the IDS filed with the accelerated examination support document. The Accelerated Examination Support Document does not provide an identification of all claimed limitations and/or a detailed explanation of patentability of all of the claims with respect to the other eleven cited references. ***Therefore, any request for reconsideration must provide a detailed explanation in regard to the claims with respect to the other eleven cited references as set forth in items 6.2 and 6.3 above.*** Furthermore, with respect to item 6.3 above, petitioner has provided an explanation of how independent claim 1 is patentable over the references cited. However, petitioner has failed to provide a detailed explanation of how each of dependent claims 2-10 is patentable over the references. Therefore it is presumed that claims 2-10 stand or fall together with the patentability of independent claim 1. **Since petitioner has only argued the patentability of the broadest, independent claim and no separate reasons for patentability are argued in regard to the dependent claims, it is presumed that petitioner believes that all claims not separately argued for patentability stand or fall together. If this is not accurate, then any request for reconsideration must provide a detailed explanation in regard to *each of the claims* as set forth in item 6.3 above.**

Regarding the requirement in item 6.5 above, the "Accelerated Examination Support Document", is deficient because it fails to include a showing of where ***each limitation of the claims*** finds support under the first paragraph of 35 USC 112 in the written description of ***each benefit application***. As set forth supra, "*if the application claims the benefit of one or more applications*

*under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists*". It is noted that the instant application claims benefit to parent application 12/549,066 as well as priority to the following provisional application: 61/230888. Petitioner has not provided a showing of support for any of these benefit applications. Therefore, an updated accelerated examination support document must be provided which shows where each limitation of the claims finds support in each of these benefit applications as well.

For these reasons cited above, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

If any request for reconsideration is filed, an updated preexamination search must be conducted as per items 5, and 5.1-5.3 above, and the Preexamination Search Document must be amended to indicate such; a new Information Disclosure Statement should be filed to cite any newly found prior art, and the Accelerated Examination Support Document must also be amended to include the necessary reference and discussion of any newly found and cited prior art in accordance with all of items 6 through 6.6 above.

#### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

/Michael Horabik/

---

Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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**SEP 30 2010**

**DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600**

BLANK ROME LLP  
WATERGATE  
600 NEW HAMPSHIRE AVENUE, N.W.  
WASHINGTON DC 20037

In re Application of:  
AVELLAN, ABEL et al  
Serial No.: 12/822,759  
Filed: June 24, 2010  
Attorney Docket No: 113776.0118  
Title: **SYSTEM AND METHOD FOR  
ENABLING ULTRA SMALL  
APERTURE COMMUNICATION  
ANTENNA USING SPECTRAL  
REPLICATION AND COHERENT  
FREQUENCY AND PHASE  
COMBINING**

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DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the petition filed on September 20, 2010 requesting reconsideration to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

All of the requirements to correct the deficiencies outlined in the petition decision mailed September 09, 2010 have been met.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:

If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Michael Horabik, Quality Assurance Specialist, at (571) 272-3068.

/Michael Horabik/

---

Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
Communications





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CALLAWAY GOLF COMPANY  
2180 RUTHERFORD ROAD  
CARLSBAD CA 92008-7328

MAILED SEP 20 2010

In re Application of: Balardeta et al.  
Application No.: 12/822871  
Filed: June 24, 2010  
Title: GPS Device

: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02

This is a decision on the petition filed on June 24, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

## REVIEW OF FACTS

The conditions I:1-4, II: 1-5, 5.3, 6, 6.1, 6.2, 6.3, 6.4, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.1 5.3 and 6.5 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

## Discussion

When referring to "the petition" hereinbelow, the received papers under consideration include the PTO/SB/28 form, the "pre-examination search document" including pages 1-4; the

“accelerated examination support document” comprising pages 1-44, and an Information Disclosure Statement including form PTO/SB/08A.

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 473, subclasses 131, 182, 198, 200, 222, 223, 353, 408, and 409; class 700 subclasses 91 and 92; class 342 subclass 357.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists. In the instant petition, petitioner has not addressed the means plus function claim elements. If there are none, a statement to such must be made.

#### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Linda J. Sholl, TC 3700 Special Programs Examiner, at (571) 272-4391.



Linda J. Sholl  
Special Programs Examiner  
Technology Center 3700



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MAILED NOV 09 2010

CALLAWAY GOLF COMPANY  
2180 RUTHERFORD ROAD  
CARLSBAD CA 92008-7328

In re Application of: Balardeta et al.  
Application No.: 12/822871  
Filed: June 24, 2010  
Title: GPS DEVICE

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the renewed petition filed on October 5, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Linda Sholl at (571) 272-4391

/Linda Sholl/  
Linda Sholl  
Special Programs Examiner  
Technology Center 3700



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LEVINE BAGADE HAN LLP  
2400 GENG ROAD, SUITE 120  
PALO ALTO CA 94303

**MAILED**

**AUG 30 2011**

**OFFICE OF PETITIONS**

In re Application:	:	
Roelle et al.	:	
Application No. 12/822,876	:	ON PETITION
Filed: June 24, 2010	:	
Attorney Docket No. HNMDNR07100	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed August 16, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions



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Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/822,878	06/24/2010	Ju-Ha PARK	1293.1053C3	6680
21171	7590	08/12/2010		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER GRANT, CHRISTOPHER C	
			ART UNIT 2403	PAPER NUMBER
			MAIL DATE 08/12/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





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**MAILED**

**AUG 12 2010**

**DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400**

Staas & Halsey LLP  
Suite 700  
1201 New York Avenue, N.W.  
Washington DC 20005

In re Application of: Ju-Ha Park  
Application No. 12/822,878  
Filed: June 24, 2010  
Docket: 1293.1053C3  
For: **METHOD OF ACQUIRING  
PROGRAM GUIDE INFORMATION,  
PROGRAM GUIDE METHOD  
APPROPRIATE FOR THE SAME, AND  
PROGRAM GUIDE APPARATUS**

**DECISION ON PETITION TO MAKE  
SPECIAL FOR NEW APPLICATION  
UNDER 37 C.F.R. § 1.102 & M.P.E.P. §  
708.02**

This is a decision on the petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02 (VIII): filed June 24, 2010.

The petition is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. **Restriction Practice:**  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.
3. **Office action:**

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

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Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

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To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

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On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Christopher Grant, Quality Assurance Specialist, at (571) 272-7294. A second point of Contact is Chau Nguyen at (571)-272-3126.

/Christopher Grant/

---

Christopher Grant  
Quality Assurance Specialist  
Technology Center 2400  
Networking, Multiplexing, Cable and Security





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68769  
HOUSTON OFFICE OF  
NOVAK DRUCE AND QUIGG LLP  
1000 LOUISIANA STREET  
FIFTY-THIRD FLOOR  
HOUSTON, TX 77002

In re Application of:  
Garner et al.  
Serial No.: 12/822,933  
Filed: June 24, 2010  
Docket No.: 18154.018.CNUS00  
Title: Process And Composition For The  
Manufacture of Microbial-Based Product

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DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the petition filed on June 24, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended, or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Me, Special Program Examiner, at (571) 272- 0562.

/Cecilia Tsang/

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Cecilia Tsang  
Supervisory Patent Examiner  
Technology Center 1600



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

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**MAY 13 2011**

**OFFICE OF PETITIONS**

Wells St. John P.S.  
601 W. 1<sup>st</sup> Street #1300  
Spokane, Washington 99201

In re Application of	:	
Arthur Wayne BARNES et al.	:	ON PETITION
Application No. 12/822,973	:	
Filed: 24 June 2010	:	
Atty. Docket No.: PR50-001	:	

This is in response to the petition under 37 CFR 1.47(a), filed 3 January 2011.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.**

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

The instant petition lacks item (1) and (2).

Regarding item (1), the provided declaration fails to include signatures for non-signing inventors V. Kinchen and T. Gregg by an authorized practitioner or applicant. Accordingly, the declaration is deemed improper.

Regarding item (2), the declaration submitted by Mark Hendrickson is deemed improper as it lacks the following assertion:



"I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that all these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issued therefrom."

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P.O. Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                      U.S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries relating to this decision should be directed to Robert DeWitty (571-272-8427).



Anthony Knight  
Director  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

**MAILED**

**AUG 08 2011**

**OFFICE OF PETITIONS**

**Wells St. John P.S.  
601 W. 1<sup>st</sup> Street #1300  
Spokane, Washington 99201**

In re Application of :  
Arthur Wayne BARNES et al. : **ON PETITION**  
Application No. 12/822,973 :  
Filed: 24 June 2010 :  
Atty. Docket No.: PR50-001 :

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 12, 2011.

The petition is **GRANTED**.

A grantable petition under 37 CFR 1.47(a) requires:

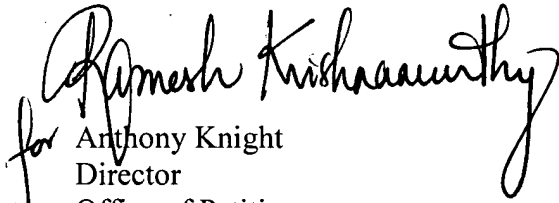
- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

Petitioner has shown that the non-signing inventors Vance Vernon Kinchen and Todd Earl Gregg have refused to sign the declaration of the above-identified application. The application and papers have been received and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 47 status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in that petition. Notice of the filing of this application will be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Office of Patent Application Processing for further action on the filed Response.

  
for Anthony Knight  
Director  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MAILED**

**AUG 08 2011**

**OFFICE OF PETITIONS**

**Todd Earl Gregg  
428 Providence Avenue  
Spokane, Washington 99207**

In re Application of :  
Arthur Wayne BARNES et al. : DECISION GRANTING PETITION  
Application No. 12/822,973 : UNDER 37 CFR 1.47  
Filed: 24 June 2010 :  
Atty. Docket No.: PR50-001 :

Dear Mr. Gregg:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47, Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Robert DeWitty at (571) 272-8427. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

*for Ramesh Krishnamurthy*  
Anthony Knight  
Director  
Office of Petitions

cc: **Mr. D. Brent Kennedy  
Wells St. John P.S.  
601 W. 1<sup>st</sup> Street #1300  
Spokane, Washington 99201**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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**Vance Vernon Kinchen**  
**P.O. Box 361**  
**Post Falls, Idaho 83877**

**MAILED**

**AUG 08 2011**

**OFFICE OF PETITIONS**

In re Application of  
Arthur Wayne Barnes, Vance Vernon Kinchen, Todd Earl Gregg  
Application No. 12/822,973

Filed: 24 June 2010

Title: ARTICLE TRANSPORT VEHICLES AND METHODS OF TRANSPORTING  
ARTICLES

Dear Mr. Kinchen:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Robert DeWitty at (571) 272-6051. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

*for Ramesh Krishnaswamy*  
Anthony Knight  
Director  
Office of Petitions

cc: **Wells St. John P.S.**  
**601 W. 1<sup>st</sup> Street #1300**  
**Spokane, Washington 99201**



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LEVINE BAGADE HAN LLP  
2400 GENG ROAD, SUITE 120  
PALO ALTO CA 94303

**MAILED**

SEP 16 2011

OFFICE OF PETITIONS

In re Application of  
Roelle, et al.  
Application No. 12/823,012  
Filed: June 24, 2010  
Attorney Docket No. HNMDNR07101

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, August 16, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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LEVINE BAGADE HAN LLP  
2400 GENG ROAD, SUITE 120  
PALO ALTO CA 94303

**MAILED**

SEP 16 2011

OFFICE OF PETITIONS

In re Application of  
Roelle, et al.  
Application No. 12/823,032  
Filed: June 24, 2010  
Attorney Docket No. HNMDNR07102

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, August 16, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions



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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C  
ONE FINANCIAL CENTER  
BOSTON MA 02111

**MAILED**

SEP 08 2011

OFFICE OF PETITIONS

In re Application of	:	
Mierisch et al.	:	DECISION ON PETITION
Application No. 12/823,038	:	TO WITHDRAW
Filed: June 24, 2010	:	FROM RECORD
Attorney Docket No. 40717-503001US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 1, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

First, it is not clear who Steve Bisset is, since he is not listed as an inventor. If he represents the assignee, there is currently no Statement under 37 CFR 3.73(b) in the instant application, which is required when changing the correspondence address to that of the assignee (see above). As such, the request cannot be granted. All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/  
Liana Walsh  
Petitions Examiner  
Office of Petitions





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,075	06/24/2010	David W. Cunningham	0SGH-155590	7063
30764 7590 08/01/2011 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP 12275 EL CAMINO REAL, SUITE 200 SAN DIEGO, CA 92130				
			EXAMINER GREEN, TRACIE Y	
			ART UNIT 2879	PAPER NUMBER
			MAIL DATE 08/01/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
12275 EL CAMINO REAL, SUITE 200  
SAN DIEGO CA 92130

AUG 1 2011

In re Application of  
CUNNINGHAM  
Application No. 12/823,075  
Filed: 06/24/2010  
Attorney Docket No. 0SGH-155590  
Application Title: INCANDESCENT LAMP  
INCORPORATING REFLECTIVE FILAMENT  
SUPPORTS AND METHOD FOR MAKING IT

:  
:  
: DECISION ON PETITION TO  
: MAKE SPECIAL FOR  
: ACCELERATED EXAMINATION  
:  
:

This is a decision on the petition filed on September 16, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

Any petition to make "special", other than those based on applicant's health, age, or the Patent Prosecution Highway ("PPH") pilot program, for an application filed *prior to August 26, 2006* must meet the requirements set forth in MPEP § 708.02 (I-II and V-XII).

Any petition to make "special", other than those based on applicant's health, age, or PPH pilot program, for an application filed *on or after August 26, 2006* must meet the requirements for Accelerated Examination as set forth in MPEP § 708.02(a) [*see also Changes to Prac. for Pet. in Pat. Apps. to Make Spec. and for Accel. Exam.*, 71 Fed. Reg. 36323, June 26, 2006.].

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

Application/Control Number: 12/823,075

Page 2

Art Unit: 2875

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application does not contain three or fewer independent claims and twenty or fewer total claims, all directed to a single invention.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Information about the current accelerated examination procedure may be obtained from the USPTO website at <http://www.uspto.gov/web/patents/accelerated>. Any inquiry regarding this decision should be directed to Colleen Dunn at (571) 272-1170.

/Colleen Dunn/

---

Colleen Dunn  
Quality Assurance Specialist  
Technology Center 2800



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,075	06/24/2010	David W. Cunningham	0SGH-155590	7063
30764 7590 08/04/2011 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP 12275 EL CAMINO REAL, SUITE 200 SAN DIEGO, CA 92130			EXAMINER GREEN, TRACIE Y	
			ART UNIT 2879	PAPER NUMBER
			MAIL DATE 08/04/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
12275 EL CAMINO REAL, SUITE 200  
SAN DIEGO CA 92130

In re Application of	:	
CUNNINGHAM	:	DECISION ON PETITION TO
Application No. 12/823,075	:	MAKE SPECIAL FOR
Filed: 06/24/2010	:	ACCELERATED EXAMINATION
Attorney Docket No. 0SGH-155590	:	
Application Title: INCANDESCENT LAMP	:	
INCORPORATING REFLECTIVE FILAMENT	:	
SUPPORTS AND METHOD FOR MAKING IT	:	

This is a decision on the petition filed on September 16, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

Any petition to make "special", other than those based on applicant's health, age, or the Patent Prosecution Highway ("PPH") pilot program, for an application filed *prior to August 26, 2006* must meet the requirements set forth in MPEP § 708.02 (I-II and V-XII).

Any petition to make "special", other than those based on applicant's health, age, or PPH pilot program, for an application filed *on or after August 26, 2006* must the requirements for Accelerated Examination as set forth in MPEP § 708.02(a) [see also *Changes to Prac. for Pet. in Pat. Apps. to Make Spec. and for Accel. Exam.*, 71 Fed. Reg. 36323, June 26, 2006.]:

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

Application/Control Number: 12/823,075

Art Unit: 2875

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application does not contain three or fewer independent claims and twenty or fewer total claims, all directed to a single invention.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Information about the current accelerated examination procedure may be obtained from the USPTO website at <http://www.uspto.gov/web/patents/accelerated>. Any inquiry regarding this decision should be directed to Colleen Dunn at (571) 272-1170.

/Colleen Dunn/

---

Colleen Dunn  
Quality Assurance Specialist  
Technology Center 2800



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,083	06/24/2010	David W. Cunningham	OSGH-153839	7078

30764	7590	08/01/2011
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP		
12275 EL CAMINO REAL, SUITE 200		
SAN DIEGO, CA 92130		

EXAMINER	
LEE, DIANE I	

ART UNIT	PAPER NUMBER
2875	

MAIL DATE	DELIVERY MODE
08/01/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
12275 EL CAMINO REAL, SUITE 200  
SAN DIEGO CA 92130

AUG 1 2011

In re Application of  
CUNNINGHAM  
Application No. 12/823,083  
Filed: 06/24/2010  
Attorney Docket No. 0SGH-155590  
Application Title: INCANDESCENT  
ILLUMINATION SYSTEM INCORPORATING  
AN INFRARED-REFLECTIVE SHROUD

:  
:  
: DECISION ON PETITION TO  
: MAKE SPECIAL FOR  
: ACCELERATED EXAMINATION  
:  
:

This is a decision on the petition filed on September 16, 2010, to make the above-identified application "special" for accelerated examination under 37 CFR 1.102(c)(2).

The petition to make the application special is **DENIED**.

Any petition to make "special", other than those based on applicant's health, age, or the Patent Prosecution Highway ("PPH") pilot program, for an application filed *prior to August 26, 2006* must meet the requirements set forth in MPEP § 708.02 (I-II and V-XII).

Any petition to make "special", other than those based on applicant's health, age, or PPH pilot program, for an application filed *on or after August 26, 2006* must the requirements for Accelerated Examination as set forth in MPEP § 708.02(a) [*see also Changes to Prac. for Pet. in Pat. Apps. to Make Spec. and for Accel. Exam.*, 71 Fed. Reg. 36323, June 26, 2006.].

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.



Application/Control Number: 12/823,083

Art Unit: 2875

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because the application does not contain three or fewer independent claims and twenty or fewer total claims, all directed to a single invention.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Information about the current accelerated examination procedure may be obtained from the USPTO website at <http://www.uspto.gov/web/patents/accelerated>. Any inquiry regarding this decision should be directed to Colleen Dunn at (571) 272-1170.

/Colleen Dunn/

---

Colleen Dunn  
Quality Assurance Specialist  
Technology Center 2800

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 32897-719.201	Application Number (if known): 12/823,092	Filing date: June 24, 2010
---------------------------------------	---	----------------------------

First Named Inventor: Stacy M. Burns-Guydish, et al.

Title: INTEGRATED SYSTEM AND PROCESS FOR BIOPRODUCT PRODUCTION

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments:

Signature 

Date December 9, 2011

Name (Print/Typed) Maya Skubatch

Registration Number 52,505

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.

☒ \*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:

Inventor: Stacey M. Burns-Guydish et al.

Application No.: 12/823,092

Filed: June 24, 2010

Title: INTEGRATED SYSTEM AND PROCESS  
FOR BIOPRODUCT PRODUCTION

Confirmation No.: **7098**

Examiner: **Not Yet Assigned**

Group Art Unit: **1657**

Customer No. **21971**

**FILED ELECTRONICALLY ON: December 9, 2011**

**STATEMENT ACCOMPANYING PETITION TO MAKE SPECIAL  
UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

M/S Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

Applicant herewith submits the following statement accompanying a Petition to Make Special under the Green Technology Pilot Program.

The claims are directed to a single invention that materially contributes the development of renewable energy resources. If the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview.

Applicant suggests a classification for the application:

Applicant requests early publication.

A preliminary amendment compliant with 37 CFR 1.121 has reduced the number of claims to 20.

**CONCLUSION**

Applicant respectfully requests the Examiner accept this Petition to Make Special under the Green Technology Pilot Program and advance the application to issuance.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 32897-719.201).

Respectfully submitted,

Date: December 9, 2011

By:



\_\_\_\_\_  
Maya Skubatch  
Registration No. 52,505

WILSON SONSINI GOODRICH & ROSATI  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
Direct Dial: (650) 493-9300  
**Customer No. 21971**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,092	06/24/2010	David C. Walther	32897-719.201	7098
<div>12759      7590      12/16/2011</div> <div>WILSON SONSINI GOODRICH &amp; ROSATI/Cobalt</div> <div>650 Page Mill Road</div> <div>Palo Alto, CA 94304</div>				
			<div>EXAMINER</div> <div>UNDERDAHL, THANE E</div>	
			<div>ART UNIT</div> <div>1657</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>12/16/2011</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

DEC 16 2011

WILSON SONSINI GOODRICH & ROSATI/Cobalt  
650 Page Mill Road  
Palo Alto CA 94304

*In re* Application of

WALTHER, David *et al.*  
Application No. 12/823092

Filed: June 24, 2010

Attorney Docket No. 32897-719.201

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY  
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed December 9, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The petition to make special must be filed at least one day prior to the date that a first Office action has been mailed in the case. 2) The application must have no more than 3 independent claims and no more than 20 total claims. 3) The application must not contain any multiple dependent claims. 4) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 5) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an

attorney/agent registered to practice before the Office explaining how the materiality standard is met. 6) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 7) The petition to make special must be filed electronically. 8) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 4, 5 and 8.

In regard to item 4, petitioner should note that the instant petition fails to state the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice.

In regard to item 5, petitioner should note that the instant petition does not include a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. As stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard.

In regard to item 8, the petition was not filed with the payment of the publication fee as forth in 37 CFR 1.18(d).

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Manjunath Rao at 571-272-0939.

The application is being forwarded to the Technology Center Art Unit 1657 for action in its regular turn.

/Manjunath Rao/

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Manjunath Rao  
Supervisory Patent Examiner  
Technology Center 1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:  
Inventor: Stacey M. Burns-Guydish et al.  
Application No.: 12/823,092  
Filed: June 24, 2010  
Title: INTEGRATED SYSTEM AND PROCESS  
FOR BIOPRODUCT PRODUCTION

Confirmation No.: **7098**  
Examiner: UNDERDAHL, Thane E.  
Group Art Unit: **1657**  
Customer No. **21971**

**FILED ELECTRONICALLY ON: January 5, 2012**

**PETITION FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant herewith submits the following statement in response to the 12/16/2011 DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM (the "Petition Decision") which notified the Applicant of the dismissal of Applicant's December 9<sup>th</sup>, 2011 PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM and accompanying STATEMENT (the "Green Tech Petition").

In the Petition Decision the Office stated that Applicant's Green Tech Petition lacked required items 4, 5, and 8. Briefly, item 4 requires that in order to qualify for special status the petition must state the basis for seeking special status. Item 5 requires that if the disclosure is not clear on its face that the invention materially contributes to the basis for special status then the petition must be accompanied by a statement explaining how the materiality standard is met. Item



8 requires that the petition must be accompanied by a request for early publication and the associated fees.

**A) Item 4 was included in the Green Tech Petition.**

Item 4 requires that in order to qualify for special status the petition must state the basis for seeking special status. In the Green Tech Petition Applicants stated that the “claims are directed to a single invention that materially contributes the development of renewable energy resources,” thereby satisfying item 4.

For clarity, Applicants hereby state that the basis for seeking special status is that the claimed invention materially contributes to the discovery or development of renewable energy resources. This acceptable basis is referred as item 4(B)(i) in the Petition Decision.

**B) Item 5 was not necessary as it is clear on the face of the disclosure that the invention materially contributes to the discovery or development of renewable energy resources.**

Applicant’s invention is directed to systems and processes for production of bioproducts. The application claims:

A process for producing a bioproduct, comprising: (i) hydrolyzing a carbohydrate-containing feedstock upstream from a bioreactor that comprises a microbial growth medium and a microorganism that is immobilized on a support in the bioreactor; and (ii) feeding the resulting hydrolyzed feedstock to the bioreactor, wherein said hydrolyzed comprises carbohydrate molecules that serve as a carbon source for growth of said microorganism, wherein the microorganism ferments the hydrolyzed feedstock to produce the bioproduct, and wherein the hydrolysis of the feedstock, feeding of the hydrolyzed feedstock to the bioreactor, and production of the bioproduct are continuous. (see claim 1).

Additional dependant claims specify that in some embodiments the bioproduct comprises a biofuel, the biofuel comprises butanol, and that the feedstock comprises lignocellulosic material (see claims 6, 36, and 37). Accordingly it is clear on the face of the application that the present

invention materially contributes to the production of a biofuel (butanol) from renewable plant based sources.

For clarity, and to satisfy Item 5 should the Office determine it is not clear on the face of the application that the invention materially contributes to the discovery or development of renewable energy resources, Applicants hereby state that the materiality standard is met because the claimed invention provides an improved process for the production of bioproducts (e.g. biofuels or butanol) from a renewable resource - lignocellulosic material.

**C) Item 8, a request for early publication and the payment of associated fees, was included in the Green Tech Petition.**

Item 8 requires that the petition must be accompanied by a request for early publication and the associated fees. Applicant requested early publication and authorized the Commissioner to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 32897-719.201).

For clarity, Applicant hereby requests early publication under 37 CFR 1.219 and authorizes the publication fee set forth in 37 CFR 1.18(d) to be charged to Deposit Account No. 23-2415 (Docket No. 32897-719.201).

It is noted however that the Application No.: 12/823,092 published on 12/30/2010.

**CONCLUSION**

Applicant respectfully requests the Examiner accept the Petition to Make Special under the Green Technology Pilot Program and advance the application to issuance.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 32897-719.201).

Respectfully submitted,

Date: January 5, 2011

By: .



Maya Skubatch  
Registration No. 52,505

WILSON SONSINI GOODRICH & ROSATI  
650 Page Mill Road  
Palo Alto, CA 94304-1050  
Direct Dial: (650) 493-9300  
**Customer No. 21971**



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
WWW.USPTO.GOV

Paper No.

Timothy L. Coyle  
Squire Sanders & Dempsey  
Suite 2900  
221 E. Fourth Street  
Cincinnati OH 45202

**MAILED**

**NOV 03 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Timothy Lee Coyle	:	
Application No. 12/823,121	:	DECISION ON PETITION
Filed: June 24, 2010	:	PURSUANT TO 37 C.F.R.
Attorney Docket No.:	:	§ 1.182
991001.06408	:	
Title: PICTURE HANGING,	:	
POSITIONING AND LEVELING DEVICE	:	

This is a decision on the "PETITION UNDER 37 CFR 1.181 and RESPONSE to NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION," filed September 15, 2010, in response to the mailing of a notice to file missing parts. This submission is being treated as a petition pursuant to 37 C.F.R. § 1.182.

The application was filed on June 24, 2010. However, on July 7, 2010, the Office of Data Management (ODM) mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," (notice), requiring the submission of a properly signed oath or declaration, the surcharge associated with the late submission of the same, and replacement drawings. The notice set a two-month period for reply.

In response, on September 15, 2010, this petition was filed. Petitioner has asserted that the "Application Data Sheet, Oath and Fee Worksheet and \$65 fee were inadvertently submitted as a new application" and that this new application was assigned a serial number of 12/823,123.<sup>1</sup>

<sup>1</sup> Petition, page 2.

It is noted in passing that the electronic file that is associated with application number 12/823,121 shows that replacement drawings were timely received on September 3, 2010.

Petition fee requirement

The fee for filing a petition pursuant to 37 C.F.R. § 1.182 is set forth in 37 C.F.R. § 1.17(f) as being \$400, with no reduction for a small entity. The fee has not been included with this petition, and a general authorization to charge any required fee to a Deposit Account has not been located in the electronic record that is associated with either application number 12/823,121 or 12/823,123.

It follows that this petition cannot be treated on the merits at this time. Accordingly, the petition must be **DISMISSED**.

The time period for filing a renewed petition is governed by 37 C.F.R. § 1.181(f). Therefore, if reconsideration of this decision is desired, any response to this decision must be submitted within **TWO MONTHS** from the mail date of this decision, and **extensions of time under 37 C.F.R. § 1.136(a) are not permitted**. The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.182." This is not a final agency action within the meaning of 5 U.S.C § 704.

**Any renewed petition should include the petition fee, and should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail<sup>2</sup>, hand-delivery<sup>3</sup>, or facsimile<sup>4</sup>. Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web<sup>5</sup>.**

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.<sup>6</sup> All other inquiries

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2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

4 (571) 273-8300: please note this is a central facsimile number.

5 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded

concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

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that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
WWW.USPTO.GOV

Paper No.

Timothy L. Coyle  
Squire Sanders & Dempsey  
Suite 2900  
221 E. Fourth Street  
Cincinnati OH 45202

**MAILED**

**JAN 18 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Timothy Lee Coyle	:	
Application No. 12/823,121	:	DECISION ON RENEWED PETITION
Filed: June 24, 2010	:	PURSUANT TO 37 C.F.R.
Attorney Docket No.:	:	\$ 1.181
991001.06408	:	
Title: PICTURE HANGING,	:	
POSITIONING AND LEVELING DEVICE	:	

This is a decision on the "PETITION UNDER 37 CFR 1.181 and,"  
filed December 10, 2010.

The application was filed on June 24, 2010. However, on July 7, 2010, the Office of Data Management (ODM) mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," (notice), requiring the submission of a properly signed oath or declaration, the surcharge associated with the late submission of the same, and replacement drawings. The notice set a two-month period for reply.

On September 15, 2010, an original petition was filed, where it was argued that the "Application Data Sheet, Oath and Fee Worksheet and \$65 fee were inadvertently submitted as a new application" on June 25, 2010, and that this new application was assigned a serial number of 12/823,123.<sup>1</sup>

The original petition was dismissed via the mailing of a decision on November 3, 2010, which noted that the electronic file that is

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<sup>1</sup> Original petition, page 2.

associated with application number 12/823,121 shows that replacement drawings were timely received on September 3, 2010.

This renewed petition is **GRANTED**, to the extent that the papers and fee that were submitted on June 25, 2010 will be transferred from application number 12/823,123 to application number 12/823,121 in due course. See MPEP § 724.05(III).<sup>2</sup>

To the extent that Petitioner has requested that "the files and other records maintained by the Patent and Trademark Office with respect to Application No. 12/823,121 do not include the September 15 Petition or the November 3 Decision,"<sup>3</sup> this request cannot be entertained, as these papers are properly associated with the present application. Should Petitioner wish to seek the expungement of these papers from the electronic file that is associated with the present application, a petition pursuant to 37 C.F.R. § 1.59(b) would be the appropriate manner of making such a request. Petitioner will note that this section of the C.F.R. is cited merely as a courtesy to Petitioner, and this reference should not be misinterpreted as a commentary on the likelihood of whether or not any such petition would be deemed grantable.

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing.

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

Office records will reflect that the Application Data Sheet, the Oath and Fee Worksheet, and the \$65 fee were present in the Office on June 25, 2010.

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<sup>2</sup> "Where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g., application number, filing date, title of invention and inventor(s) name(s)), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition."

<sup>3</sup> Renewed petition, page 2.



The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.<sup>4</sup>

/Paul Shanowski/  
Paul Shanowski  
Senior Attorney  
Office of Petitions

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<sup>4</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,137	06/25/2010	Yuichi Ozeki	OP2010-013	7206
74400 7590 Hiroe & Associates Taras P. Bemko 4-3, Usa 3-chome Gifu-city, 500-8368 JAPAN			EXAMINER	
			ART UNIT	PAPER NUMBER
			1791	
			MAIL DATE	DELIVERY MODE
			09/28/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

September 28, 2010

BC.

In re application of	:	DECISION ON REQUEST TO
Yuichi Ozeki et al.	:	PARTICIPATE IN PATENT
Serial No. 12/823,137	:	PROSECUTION HIGHWAY
Filed: June 25, 2010	:	PROGRAM AND
For: METHOD FOR MANUFACTURING	:	PETITION TO MAKE SPECIAL
MOLDED ARTICLE WITH CORE	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed August 05, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
  - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
  - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable;

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is currently undergoing pre-examination processing, and will be forwarded to the examiner for action on the merits upon completion of the processing.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Blaine Copenheaver/

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Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

# PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 099431-0121 (DYC0010US04)

Application Number (if known): 12/823195

Filing date: 6/25/2010

First Named Inventor: Brian Chemel

Title: LED-BASED LIGHTING METHODS, APPARATUS, AND SYSTEMS EMPLOYING LED LIGHT BARS... (formerly FIXTURE WITH INTELLIGENT LIGHT MODULES)

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication:** Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

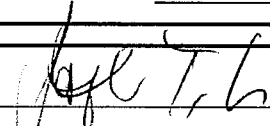
3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature



Date

7/28/11

Name (Print/Typed)

Joseph Teja, Jr.

Registration Number

45,157

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: CHEMEL et al.

Title: LED-BASED LIGHTING METHODS, APPARATUS, AND  
SYSTEMS EMPLOYING LED LIGHT BARS, OCCUPANCY  
SENSING, LOCAL STATE MACHINE, AND METER  
CIRCUIT (formerly FIXTURE WITH INTELLIGENT LIGHT  
MODULES)

Appl. No.: 12/823195

Filing Date: 6/25/2010

Art Unit: 2875

Confirmation 7346  
Number:

**STATEMENT OF SPECIAL STATUS FOR THE ELIGIBILITY REQUIREMENT—GREEN  
TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant submits this Statement in support of their Petition to make the above-identified patent application special under the Green Technology Pilot Program.

The above-identified patent application (published as Publication No. 2010-0259931) meets the requirements for inclusion in the Pilot Program for Green Technologies Including Greenhouse Gas Reduction of the United States Patent and Trademark Office set forth in the Federal Register, Vol. 74, No. 234 (December 8, 2009); the Federal Register, Vol. 75, No. 98 (May 21, 2010); and the Federal Register, Vol. 75, No. 217 (November 10, 2010).

The statement of special status for the eligibility requirement for the above-identified application is as follows.

The above-identified application is directed to occupancy-based lighting methods, apparatus, and systems employing light emitting diodes (LEDs). The LEDs are arranged as a plurality of LED light bars that provide variable lighting at a plurality of light levels. The variable lighting provided by the light bars is adjusted based at least in part on occupancy information provided by one or more occupancy sensors.

The methods, apparatus and systems to which the application and claims pertain represent a significant advance in the area of energy conservation and environmental quality by intelligently managing artificial light sources based on sensed occupancy conditions, thereby reducing energy consumption.

Accordingly, it is respectfully submitted that the above-identified application is clear on its face that the claimed invention materially contributes to energy conservation, and satisfies all of the requirements for the Pilot Program for Green Technologies Including Greenhouse Gas Reduction.

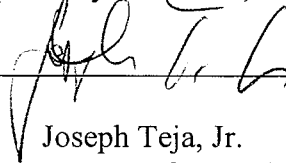
The above-identified application was published as U.S. Patent Application Publication No. 2010-0259931 on October 14, 2010. The publication fee under 37 CFR § 1.18(d) accompanies the Petition.

If additional information regarding the above-identified application or the underlying invention is required, the Patent Office is requested to contact the undersigned.

Date 7/28/11

FOLEY & LARDNER LLP  
Customer Number: 48329  
Telephone: (617) 342-4029  
Facsimile: (617) 342-4001

Respectfully submitted,

By   
Joseph Teja, Jr.  
Attorney for Applicant  
Registration No. 45,157



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,195	06/25/2010	Brian J. Chemel	5788-101679	7346
28289 7590 08/19/2011 THE WEBB LAW FIRM, P.C. ONE GATEWAY CENTER 420 FT. DUQUESNE BLVD, SUITE 1200 PITTSBURGH, PA 15222			EXAMINER	
			ART UNIT	PAPER NUMBER
			2875	
			NOTIFICATION DATE	DELIVERY MODE
			08/19/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@webblaw.com





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

THE WEBB LAW FIRM, P.C.  
ONE GATEWAY CENTER  
420 FT. DUQUESNE BLVD, SUITE 1200  
PITTSBURGH PA 15222

In re Application of	:	
Chemel et al.	:	DECISION ON PETITION
Application No. 12823195	:	TO MAKE SPECIAL UNDER
Filed: June 24, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 5788 - 101677	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on June 28, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

The application is being forwarded to the appropriate Technology Center Art Unit for action on the merits commensurate with this decision.

/Colleen Dunn/

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Colleen Dunn  
Quality Assurance Specialist  
Technology Center 2800

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-JP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION  
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE JAPAN PATENT OFFICE (JPO) AND THE  
USPTO**

Application No:	12/823,218	Filing date:	June 25, 2010
First Named Inventor:	Shinya ONO		

Title of the  
Invention: **Image Display Device and Method of Controlling the Same**

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE  
SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT  
[HTTP://WWW.USPTO.GOV/EBS/EF5\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE  
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT  
application number(s) is/are:** PCT/JP2009/005181

**The international date of the corresponding  
PCT application(s) is/are:** October 6, 2009

**I. List of Required Documents:**

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified  
corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the  
above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English  
language). A statement that the English translation is accurate is attached for the document in b. above.**

# **REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE JPO AND THE USPTO**

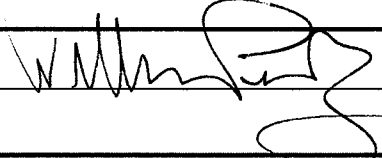
(continued)

Application No.:	12/823,218
First Named Inventor:	Shinya ONO
<p>d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.</p> <p><input type="checkbox"/> Is attached</p> <p><input checked="" type="checkbox"/> Has already been filed in the above-identified U.S. application on <u>September 27, 2010</u></p> <p>(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications</p> <p><input type="checkbox"/> Are attached.</p> <p><input checked="" type="checkbox"/> Have already been filed in the above-identified U.S. application on <u>September 27, 2010</u></p>	

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
	5	Claim 1 substantially corresponds to patentable I.A. claim 5.
	2/5	Claim 2 corresponds to I.A. claim 2 and is a dependent claim narrower than patentable I.A. claim 5.
	3/5	Claim 3 corresponds to I.A. claim 3 and is a dependent claim narrower than patentable I.A. claim 5.
	4/5	Claim 4 corresponds to I.A. claim 4 and is a dependent claim narrower than patentable I.A. claim 5.
	6	Claim 5 substantially corresponds to patentable I.A. claim 6.
	7	Claim 6 substantially corresponds to patentable I.A. claim 7.
	16	Claim 7 substantially corresponds to patentable I.A. claim 16.
	12	Claim 8 substantially corresponds to patentable claim 12.
	9/12	Claim 9 corresponds to I.A. claim 9 and is a dependent claim narrower than patentable I.A. claim 12.
	10/12	Claim 10 corresponds to I.A. claim 10 and is a dependent claim narrower than patentable I.A. claim 12.
	11/12	Claim 11 corresponds to I.A. claim 11 and is a dependent claim narrower than patentable I.A. claim 12.
	13	Claim 12 substantially corresponds to patentable I.A. claim 13.
	14	Claim 13 substantially corresponds to patentable I.A. claim 14.
	16	Claim 14 substantially corresponds to patentable I.A. claim 16.
	15	Claim 15 substantially corresponds to patentable I.A. claim 15.
	16	Claim 16 substantially corresponds to patentable I.A. claim 16.
	15	Claim 19 is a dependent claim narrower than patentable I.A. claim 15.

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature	 William Pieprz	Date	3-11-11
Name (Print/Typed)	Reg. No. 33630	Registration Number	

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/JP2009/005181

**Box No. V Reasoned statement under Rule 43bis. 2.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	<u>1 - 18</u>	Yes
	Claims	<u>                    </u>	No
Inventive step (IS)	Claims	<u>5 - 7, 12 - 15</u>	Yes
	Claims	<u>1 - 4, 8 - 11, 16 - 18</u>	No
Industrial applicability (IA)	Claims	<u>1 - 18</u>	Yes
	Claims	<u>                    </u>	No

**2. Citations and explanations**

Document 1: JP2003-186438 A (Hitachi Ltd.), July 4, 2003, paragraphs [0038] - [0049], Figs. 4 - 7

Document 2: JP2006-072303 A (AU Optronics Corporation), March 16, 2006, paragraphs [0010] - [0012], Fig. 4

The invention as claimed in Claims 1 to 4, 16, and 17 does not have an inventive step over Document 1 cited in the International Search Report. Fig. 4 of Document 1 discloses a process of writing data voltage to a pixel circuit using a signal line 3 and a common electrode 4. The driving transistor in the pixel circuit disclosed in Fig. 4 of Document 1 is of P-type, and a luminescence element is provided at the drain side of the driving transistor. Using an n-type transistor as a driving transistor and providing a luminescence element at the source side of the driving transistor are mere technical matters that have been conventionally used in a pixel circuit of an organic EL display device. Accordingly, it is easy for any person skilled in the art to make such design modifications as in the pixel circuit disclosed in Fig. 4 of Document 1.

The invention claimed as Claims 8 to 11, 16, and 18 does not have an inventive step over Document 1 cited in the International Search Report. Fig. 7 of Document 1 discloses a structure for writing data voltage to a pixel circuit using a signal line 3 and a common electrode. A luminescence element in the pixel circuit disclosed in Fig. 7 of Document 1 is provided at the drain side of the driving transistor. Providing a luminescence element at the source side of the driving transistor is a mere technical matter that has been conventionally used in a pixel circuit of an organic EL display device. Accordingly, it is easy for any person skilled in the art to make such modifications as in the pixel circuit disclosed in Fig. 7 of Document 1.

Continues to Supplemental Box

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/JP2009/005181

**Supplemental Box**

In case **the space in any of the preceding boxes is not sufficient.**

Continuation of: Box No. V2

The invention claimed in Claims 8 to 11, 16, and 18 does not have an inventive step over Document 2 cited in the International Search Report. Fig. 4 of Document 2 discloses a structure for writing data voltage to a pixel circuit using a data line and a reference line. The driving transistor in the pixel circuit disclosed in Fig. 4 of Document 2 is of P type, and a luminescence element is provided at the drain side of the driving transistor. Using an n-type transistor as a driving transistor and providing a luminescence element at the source side of the driving transistor are mere technical matters that have been conventionally used in a pixel circuit of an organic EL display device. Accordingly, it is easy for any person skilled in the art to make such modifications as in the pixel circuit disclosed in Fig. 4 of Document 2.

The invention claimed in Claims 5 to 7, and 12 to 15 is not disclosed by any of the documents cited in the International Search Report, and therefore has novelty and an inventive step.

# 特許協力条約

発信人 日本国特許庁（国際調査機関）

代理人 新居広守  様  あて名 〒532-0011 日本国大阪府大阪市淀川区西中島5丁目3番10号 タナカ・イトーピア新大阪ビル6階新居国際特許事務所内
---

091104

PCT

国際調査報告及び国際調査機関の見解書  
又は国際調査報告を作成しない旨の決定  
の送付の通知書  
(法施行規則第41条)  
[PCT規則44.1]

出願人又は代理人 の書類記号 P054557P0	今後の手続きについては、下記1及び4を参照。
国際出願番号 PCT/J P 2009/005181	国際出願日 (日.月.年) 06.10.2009
出願人（氏名又は名称） パナソニック株式会社	

1. <input checked="" type="checkbox"/> 国際調査報告及び国際調査機関の見解書が作成されたこと、及びこの送付書とともに送付することを、出願人に通知する。 PCT19条の規定に基づく補正書及び説明書の提出 出願人は、国際出願の請求の範囲を補正することができる（PCT規則46参照）。 いつ 補正書の提出期間は、通常国際調査報告の送付の日から2月である。 どこへ 直接次の場所へ The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: +41 22 338 82 70 詳細な手続きについては、添付用紙の備考を参照すること。
2. <input type="checkbox"/> 国際調査報告が作成されないこと、及び法第8条第2項（PCT17条(2)(a)）の規定による国際調査報告を作成しない旨の決定及び国際調査機関の見解書をこの送付書とともに送付することを、出願人に通知する。
3. <input type="checkbox"/> 法施行規則第44条（PCT規則40.2）に規定する追加手数料の納付に対する異議の申立てに関して、出願人に下記の点を通知する。 <input type="checkbox"/> 異議の申立てと当該異議についての決定を、その異議の申し立てと当該異議についての決定の両方を指定官庁へ送付することを求める出願人の請求とともに、国際事務局へ送付した。 <input type="checkbox"/> 当該異議についての決定は、まだ行われていない。決定されたい出願人に通知する。
4. 今後の手続： 出願人は次の点に注意すること。 優先日から18月経過後、国際出願は国際事務局によりすみやかに国際公開される。出願人が公開の延期を望むときは、国際出願又は優先権の主張の取下げの通知がPCT規則90の2.1及び90の2.3にそれぞれ規定されているように、国際公開の事務的な準備が完了する前に国際事務局に到達しなければならない。 いくつかの指定官庁については、出願人が国内段階の開始を優先日から30月まで（官庁によってはさらに遅くまで）延期することを望むときは、優先日から19月以内に、国際予備審査の請求書が提出されなければならない。そうでなければ、出願人はそれらの指定官庁に対して優先日から20月以内に、国内段階の開始のための所定の手続を取らなければならない。 その他の指定官庁については、19月以内に国際予備審査の請求書が提出されない場合にも、30月の（あるいはさらに遅い）期限が適用される。 様式PCT/IB/301の付属書類を参照。個々の指定官庁で適用される期限の詳細については、PCT出願人の手引、第II巻、国内段階およびWIPOインターネットサイトを参照。

名称及びあて名 日本国特許庁（ISA/J P） 郵便番号100-8915 東京都千代田区霞が関三丁目4番3号	権限のある職員 特許庁長官 電話番号 03-3581-1101 内線 3226	2G 3805
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## 注 意

1. 国際調査報告の発送日から起算する条約第19条（1）及び規則46.1に従う国際事務局への補正期間に注意してください。
2. 条約22条（2）に規定する期間に注意してください。
3. 法律又は契約等の制限により、国際調査報告に記載した非特許文献の写しの一部又は全てが送付されない場合があります。

### 4. 文献の写しの請求について

国際調査報告に記載した文献の複写

特許庁にこれらの引用文献の写しを請求することもできますが、独立行政法人工業所有権情報・研修館（特許庁庁舎2階）で公報類の閲覧・複写および公報以外の文献複写等の取り扱いをしています。

〔担当及び照会先〕

〒100-0013 東京都千代田区霞が関3丁目4番3号（特許庁庁舎2階）  
独立行政法人工業所有権情報・研修館

【公報類】 閲覧部 TEL 03-3581-1101 内線3811～2

【公報以外】 資料部 TEL 03-3581-1101 内線3831～3

また、（財）日本特許情報機構でも取り扱いをしています。

これらの引用文献の複写を請求する場合は下記の点に注意してください。

〔申込方法〕

（1）特許（実用新案・意匠）公報については、下記の点を明記してください。

○特許・実用新案及び意匠の種類

○出願公告又は出願公開の年次及び番号（又は特許番号、登録番号）

○必要部数

（2）公報以外の文献の場合は、下記の点に注意してください。

○国際調査報告の写しを添付してください（返却します）。

〔申込み及び照会先〕

〒135-0016 東京都江東区東陽4-1-7 佐藤ダイヤビルディング  
財団法人 日本特許情報機構 情報業務部業務課  
TEL 03-3508-2313

注意 特許庁に対して文献の写しの請求をすることができる期間は、国際出願日から7年です。

## 様式PCT/ISA/220の備考

この備考は、PCT19条の規定に基づく補正書の提出に関する基本的な指示を与えるためのものである。この備考は特許協力条約並びにこの条約に基づく規則及び実施細則の規定に基づいている。この備考とそれらの規定とが相違する場合には、後者が適用される。詳細な情報については、WIPOの出版物であるPCT出願人の手引も参照すること。

### PCT19条の規定に基づく補正書の提出に関する指示

出願人は、国際調査報告及び国際調査機関の見解書を受領した後、国際出願の請求の範囲を補正する機会が一回ある。しかし、国際出願のすべての部分（請求の範囲、明細書及び図面）が、国際予備審査の手続においても補正できるもので、例えば出願人が仮保護のために補正書を公開することを希望する場合又は国際公開前に請求の範囲を補正する別の理由がある場合を除き、通常PCT19条の規定に基づく補正書を提出する必要はないことを強調しておく。さらに、仮保護は一部の国のみで与えられるだけであることも強調しておく（PCT出願人の手引、附録B1及びB2参照）。

#### 補正の対象となるもの

PCT19条の規定により請求の範囲のみ補正することができる。

国際段階においてPCT34条の規定に基づく国際予備審査の手続において請求の範囲を（更に）補正することができる。

明細書及び図面は、PCT34条の規定に基づく国際予備審査の手続においてのみ補正することができる。

国内段階に移行する際、PCT28条（又はPCT41条）の規定により、国際出願のすべての部分を補正することができる。

#### いつ

国際調査報告の送付の日から2月又は優先日から16月の内どちらか遅く満了するほうの期間内。しかし、その期間の満了後であっても国際公開の技術的な準備の完了前に国際事務局が補正を受領した場合には、その補正書は、期間内に受理されたものとみなすことを強調しておく（PCT規則46.1）。

#### 補正書を提出すべきところ

補正書は、国際事務局のみに提出でき、受理官庁又は国際調査機関には提出してはいけない（PCT規則46.2）。国際予備審査の請求書を提出した／する場合については、以下を参照すること。

#### どのように

1以上の請求の範囲の削除、1以上の新たな請求の範囲の追加、又は1以上の請求の範囲の記載の補正による。

差替え用紙は、補正の結果、出願当初の用紙と相違する請求の範囲の各用紙毎に提出する。

差替え用紙に記載されているすべての請求の範囲には、アラビア数字を付さなければならない。請求の範囲を削除する場合、その他の請求の範囲の番号を付け直す必要はない。請求の範囲の番号を付け直す場合には、連続番号で付け直すなければならない（PCT実施細則第205号(b)）。

補正は国際公開の言語で行う。

#### 補正書にどのような書類を添付しなければならないか

##### 書簡（PCT実施細則第205号(b)）

補正書には書簡を添付しなければならない。

書簡は国際出願及び補正された請求の範囲とともに公開されることはない。これを「PCT19条(1)に規定する説明書」と混同してはならない（「PCT19条(1)に規定する説明書」については、以下を参照）。

書簡は、英語又は仏語を選択しなければならない。ただし、国際出願の言語が英語の場合、書簡は英語で、仏語の場合、書簡は仏語で記載しなければならない。

書簡には、出願時の請求の範囲と補正された請求の範囲との相違について表示しなければならない。特に、国際出願に記載した各請求の範囲との関連で次の表示（2以上の請求の範囲についての同一の表示する場合は、まとめることができる。）をしなければならない。

- (i) この請求の範囲は変更しない。
- (ii) この請求の範囲は削除する。
- (iii) この請求の範囲は追加である。
- (iv) この請求の範囲は出願時の1以上の請求の範囲と差し替える。
- (v) この請求の範囲は出願時の請求の範囲の分割の結果である。

## 様式PCT/ISA/220の備考(続き)

次に、添付する書簡中での、補正についての説明の例を示す。

1. [請求の範囲の一部の補正によって請求の範囲の項数が48から51になった場合] :  
“請求の範囲1-29、31、32、34、35、37-48項は、同じ番号のもとに補正された請求の範囲と置き換えられた。請求の範囲30、33及び36項は変更なし。新たに請求の範囲49-51項が追加された。”
2. [請求の範囲の全部の補正によって請求の範囲の項数が15から11になった場合] :  
“請求の範囲1-15項は、補正された請求の範囲1-11項に置き換えられた。”
3. [原請求の範囲の項数が14で、補正が一部の請求の範囲の削除と新たな請求の範囲の追加を含む場合] :  
“請求の範囲1-6及び14項は変更なし。請求の範囲7-13は削除。新たに請求の範囲15、16及び17項を追加。”又は  
“請求の範囲7-13は削除。新たに請求の範囲15、16及び17項を追加。その他の全ての請求の範囲は変更なし。”
4. [各種の補正がある場合] :  
“請求の範囲1-10項は変更なし。請求の範囲11-13、18及び19項は削除。請求の範囲14、15及び16項は補正された請求の範囲14項に置き換えられた。請求の範囲17項は補正された請求の範囲15、16及び17項に分割された。新たに請求の範囲20及び21項が追加された。”

“PCT19条(1)の規定に基づく説明書”(PCT規則46.4)

補正書には、補正並びにその補正が明細書及び図面に与える影響についての説明書を提出することができる(明細書及び図面はPCT19条(1)の規定に基づいては補正できない)。

説明書は、国際出願及び補正された請求の範囲とともに公開される。

説明書は、国際公開の言語で作成しなければならない。

説明書は、簡潔でなければならない、英語の場合又は英語に翻訳した場合に500語を越えてはならない。

説明書は、出願時の請求の範囲と補正された請求の範囲との相違を示す書簡と混同してはならない。説明書を、その書簡に代えることはできない。説明書は別紙で提出しなければならない、見出しを付すものとし、その見出しは“PCT19条(1)の規定に基づく説明書”の語句を用いることが望ましい。

説明書には、国際調査報告又は国際調査報告に列記された文献との関連性に関して、これらを誹謗する意見を記載してはならない。国際調査報告に列記された特定の請求の範囲に関連する文献についての言及は、当該請求の範囲の補正に関してのみ行うことができる。

### 国際予備審査の請求書が提出されている場合

PCT19条の規定に基づく補正書及び添付する説明書の提出の時に国際予備審査の請求書が既に提出されている場合には、出願人は、補正書(及び説明書)を国際事務局に提出すると同時にその写し及び必要な場合、その翻訳文を国際予備審査機関にも提出することが望ましい(PCT規則55.3(a)、62.2の第1文を参照)。詳細は国際予備審査請求書(PCT/IPEA/401)の注意書参照。

国際予備審査の請求がされた場合は、見解書を作成した国際調査機関が国際予備審査機関としては行動しないという特定の場合を除いて、国際調査機関の見解書は国際予備審査機関の見解書とみなされる。この場合、様式PCT/ISA/220の送付日から3月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる(PCT規則43の2.1(c))。

### 国内段階に移行するための国際出願の翻訳に関して

国内段階に移行する際、PCT19条の規定に基づいて補正された請求の範囲の翻訳を出願時の請求の範囲の翻訳の代わりに又は追加して、指定官庁/選択官庁に提出しなければならないこともあるので、出願人は注意されたい。

指定官庁/選択官庁の詳細な要求については、PCT出願人の手引きの第II巻を参照。

# 特許協力条約

PCT

国際調査報告

(法 8 条、法施行規則第 40、41 条)  
[PCT 18 条、PCT 規則 43、44]

09.11.04

出願人又は代理人 の書類記号 P054557P0	今後の手続きについては、様式 PCT/ISA/220 及び下記 5 を参照すること。	
国際出願番号 PCT/JP2009/005181	国際出願日 (日.月.年) 06.10.2009	優先日 (日.月.年) 07.10.2008
出願人 (氏名又は名称) パナソニック株式会社		

国際調査機関が作成したこの国際調査報告を法施行規則第41条 (PCT 18条) の規定に従い出願人に送付する。  
この写しは国際事務局にも送付される。

この国際調査報告は、全部で 3 ページである。

☐ この調査報告に引用された先行技術文献の写しも添付されている。

## 1. 国際調査報告の基礎

a. 言語に関し、この国際調査は以下のものに基づき行った。

☒ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である \_\_\_\_\_ 語に翻訳された、  
この国際出願の翻訳文 (PCT 規則 12.3(a) 及び 23.1(b))

b. ☐ この国際調査報告は、PCT 規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した (PCT 規則 43.6 の 2(a))。

c. ☐ この国際出願は、ヌクレオチド又はアミノ酸配列を含んでいる (第 I 欄参照)。

2. ☐ 請求の範囲の一部の調査ができない (第 II 欄参照)。

3. ☐ 発明の単一性が欠如している (第 III 欄参照)。

4. 発明の名称は ☒ 出願人が提出したものを承認する。

☐ 次に示すように国際調査機関が作成した。

5. 要約は ☒ 出願人が提出したものを承認する。

☐ 第 IV 欄に示されているように、法施行規則第 47 条第 1 項 (PCT 規則 38.2) の規定により国際調査機関が作成した。出願人は、この国際調査報告の発送の日から 1 月以内にこの国際調査機関に意見を提出することができる。

## 6. 図面に関して

a. 要約書とともに公表される図は、

第 2 図とする。 ☒ 出願人が示したとおりである。

☐ 出願人は図を示さなかったため、国際調査機関が選択した。

☐ 本図は発明の特徴を一層よく表しているため、国際調査機関が選択した。

b. ☐ 要約とともに公表される図はない。

## A. 発明の属する分野の分類 (国際特許分類 (IPC))

Int.Cl. G09G3/30(2006.01)i, G09F9/30(2006.01)i, G09G3/20(2006.01)i, H01L27/32(2006.01)i, H01L51/50(2006.01)i

## B. 調査を行った分野

調査を行った最小限資料 (国際特許分類 (IPC))

Int.Cl. G09G3/30, G09F9/30, G09G3/20, H01L27/32, H01L51/50

最小限資料以外の資料で調査を行った分野に含まれるもの

日本国実用新案公報	1922-1996年
日本国公開実用新案公報	1971-2009年
日本国実用新案登録公報	1996-2009年
日本国登録実用新案公報	1994-2009年

国際調査で使用した電子データベース (データベースの名称、調査に使用した用語)

## C. 関連すると認められる文献

引用文献の カテゴリー*	引用文献名 及び一部の箇所が関連するときは、その関連する箇所の表示	関連する 請求項の番号
X	JP 2003-186438 A (株式会社日立製作所) 2003.07.04, 段落【0038】-【0049】, 図4-7 & US 2003/0111966 A1 & US 7205965 B2 & TW 565814 B & KR 10-2003-0051167 A & CN 1427388 A	1-4, 8-11, 16-18
X	JP 2006-072303 A (エイユー オプトロニクス コーポレーション) 2006.03.16, 段落【0010】-【0012】, 図4 & US 2006/0044235 A1 & TW 288377 B	8-11, 16, 18

☒ C欄の続きにも文献が列举されている。

☐ パテントファミリーに関する別紙を参照。

## \* 引用文献のカテゴリー

「A」特に関連のある文献ではなく、一般的技術水準を示すもの

「E」国際出願日前の出願または特許であるが、国際出願日以後に公表されたもの

「L」優先権主張に疑義を提起する文献又は他の文献の発行日若しくは他の特別な理由を確立するために引用する文献 (理由を付す)

「O」口頭による開示、使用、展示等に言及する文献

「P」国際出願日前で、かつ優先権の主張の基礎となる出願

の日の後に公表された文献

「T」国際出願日又は優先日後に公表された文献であって出願と矛盾するものではなく、発明の原理又は理論の理解のために引用するもの

「X」特に関連のある文献であって、当該文献のみで発明の新規性又は進歩性がないと考えられるもの

「Y」特に関連のある文献であって、当該文献と他の1以上の文献との、当業者にとって自明である組合せによって進歩性がないと考えられるもの

「&」同一パテントファミリー文献

国際調査を完了した日

22.10.2009

国際調査報告の発送日

02.11.2009

国際調査機関の名称及びあて先

日本国特許庁 (ISA/J P)

郵便番号100-8915

東京都千代田区霞が関三丁目4番3号

特許庁審査官 (権限のある職員)

長井 真一

2G

3805

電話番号 03-3581-1101 内線 3226

C (続き) . 関連すると認められる文献		
引用文献の カテゴリー*	引用文献名 及び一部の箇所が関連するときは、その関連する箇所の表示	関連する 請求項の番号
A	JP 2008-203655 A (ソニー株式会社) 2008.09.04, 図12 (ファミリーなし)	8-11, 16, 18
A	JP 2005-346073 A (友達光電股▲ふん▼有限公司) 2005.12.15, 全文全図 & US 2006/0007070 A1 & TW 250486 B & CN 1598915 A	1-18

# 特許協力条約

発信人 日本国特許庁（国際調査機関）

代理人 新居広守  あて名 〒532-0011 日本国大阪府大阪市淀川区西中島5丁目3番10号 タナカ・イトーピア新大阪ビル6階新居国際特許事務所内	様
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0911.04

PCT  
 国際調査機関の見解書  
 （法施行規則第40条の2）  
 [PCT規則43の2.1]

発送日  
 (日.月.年) 02.11.2009

出願人又は代理人  
 の書類記号 P054557P0

今後の手続きについては、下記2を参照すること。

国際出願番号 PCT/J P 2009/00518.1	国際出願日 (日.月.年) 06.10.2009	優先日 (日.月.年) 07.10.2008
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国際特許分類 (IPC) Int.Cl. G09G3/30(2006.01)i, G09F9/30(2006.01)i, G09G3/20(2006.01)i, H01L27/32(2006.01)i, H01L51/50(2006.01)i

出願人 (氏名又は名称)  
 パナソニック株式会社

1. この見解書は次の内容を含む。

- ☒ 第I欄 見解の基礎
- ☐ 第II欄 優先権
- ☐ 第III欄 新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第IV欄 発明の単一性の欠如
- ☒ 第V欄 PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第VI欄 ある種の引用文献
- ☐ 第VII欄 国際出願の不備
- ☐ 第VIII欄 国際出願に対する意見

2. 今後の手続き

国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT/ISA/220を送付した日から3月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT/ISA/220を参照すること。

3. さらなる詳細は、様式PCT/ISA/220の備考を参照すること。

見解書を作成した日

22.10.2009

名称及びあて先  
 日本国特許庁 (ISA/J P)  
 郵便番号100-8915  
 東京都千代田区霞が関三丁目4番3号

特許庁審査官 (権限のある職員)

長井 真一

電話番号 03-3581-1101 内線 3226

2G 3805

## 第 I 欄 見解の基礎

1. 言語に関し、この見解書は以下のものに基づき作成した。

☒ 出願時の言語による国際出願

☐ 出願時の言語から国際調査のための言語である \_\_\_\_\_ 語に翻訳された、この国際出願の翻訳文  
(PCT規則12.3(a)及び23.1(b))

2. ☐ この見解書は、PCT規則 91 の規定により国際調査機関が認めた又は国際調査機関に通知された明らかな誤りの訂正を考慮して作成した (PCT規則 43 の 2.1(b))。

3. この国際出願で開示されたヌクレオチド又はアミノ酸配列に関して、以下に基づき見解書を作成した。

a. タイプ ☐ 配列表

☐ 配列表に関連するテーブル

b. フォーマット ☐ 紙形式

☐ 電子形式

c. 提出時期 ☐ 出願時の国際出願に含まれていたもの

☐ この国際出願と共に電子形式により提出されたもの

☐ 出願後に、調査のために、この国際調査機関に提出されたもの

4. ☐ さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

5. 補足意見：



第Ⅴ欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1. 見解

新規性 (N)	請求項	1-18	有
	請求項		無
進歩性 (IS)	請求項	5-7, 12-15	有
	請求項	1-4, 8-11, 16-18	無
産業上の利用可能性 (IA)	請求項	1-18	有
	請求項		無

2. 文献及び説明

文献1 : JP 2003-186438 A (株式会社日立製作所) 2003.07.04, 段落【0038】－【0049】, 図4－7

文献2 : JP 2006-072303 A (エイユー オプトロニクス コーポレーション) 2006.03.16, 段落【0010】－【0012】, 図4

請求項1－4, 16－17に係る発明は、国際調査報告で引用された文献1から進歩性を有さない。文献1の図4には、信号配線3と共通電極4とを用いてデータ電圧を画素回路に書き込む構成が記載されている。文献1の図4に記載された画素回路の駆動トランジスタはP型であり、発光素子は駆動トランジスタのドレイン側に設けられているが、駆動トランジスタとしてn型を用いること、及び発光素子を駆動トランジスタのソース側に設けることは、有機EL表示装置の画素回路において慣用されている技術事項にすぎないものであるから、文献1の図4に記載された画素回路においてそのような設計変更を行うことは当業者であれば容易になし得ることである。

請求項8－11, 16, 18に係る発明は、国際調査報告で引用された文献1から進歩性を有さない。文献1の図7には、信号配線3と共通電極とを用いてデータ電圧を画素回路に書き込む構成が記載されている。文献1の図7に記載された画素回路の発光素子は駆動トランジスタのドレイン側に設けられているが、発光素子を駆動トランジスタのソース側に設けることは、有機EL表示装置の画素回路において慣用されている技術事項にすぎないものであるから、文献1の図7に記載された画素回路においてそのような設計変更を行うことは当業者であれば容易になし得ることである。

補充欄に続く

## 補充欄

いずれかの欄の大きさが足りない場合

## 第 V 2 欄の続き

請求項 8-11, 16, 18 に係る発明は、国際調査報告で引用された文献 2 から進歩性を有さない。文献 2 の図 4 には、データ線と基準線とを用いてデータ電圧を画素回路に書き込む構成が記載されている。文献 2 の図 4 に記載された画素回路の駆動トランジスタは P 型であり、発光素子は駆動トランジスタのドレイン側に設けられているが、駆動トランジスタとして n 型を用いること、及び発光素子を駆動トランジスタのソース側に設けることは、有機 EL 表示装置の画素回路において慣用されている技術事項にすぎないものであるから、文献 2 の図 4 に記載された画素回路においてそのような設計変更を行うことは当業者であれば容易になし得ることである。

請求項 5-7, 12-15 に係る発明は、国際調査報告で引用された何れの文献にも開示されておらず、新規性及び進歩性を有する。

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Serial NO.:12/823,218

Filing Date: June 25, 2010

For: IMAGE DISPLAY DEVICE AND METHOD OF CONTROLLING THE SAME

VERIFICATION OF TRANSLATION

Honorable Commissioner of Patents and Trademarks

Washington, D.C. 20231

Sir:

Atsuko FUJIHARA, c/o NII Patent Firm, 6F, Tanaka Ito Pia Shin-Osaka Bldg.,  
3-10, Nishi Nakajima 5-chome, Yodogawa-ku, Osaka-city, Osaka 532-0011, Japan  
declares:

- (1) that she knows well both the Japanese and English languages;
- (2) that she translated the claims from PCT/JP2009/005181 from Japanese to English;
- (3) that the attached English translation is a true and correct translation of the claims from PCT/JP2009/005181 to the best of her knowledge and belief; and
- (4) that all statements made of her own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such false statements may jeopardize the validity of the application or any patent thereon.

This 8 day of March , 2011

Atsuko Fujihara

Atsuko FUJIHARA

[CLAIMS]

[Claim 1]

An image display device comprising:

5

a luminescence element;

a capacitor which holds a voltage;

a driver which has a gate electrode connected to a first  
electrode of said capacitor and a source electrode connected to a first  
electrode of said luminescence element, and causes said  
10 luminescence element to emit light by applying a drain current  
corresponding to the voltage held by said capacitor to said  
luminescence element;

a first power source line for determining a potential of said  
drain electrode of said driver;

15

a second power source line electrically connected to said  
second electrode of said luminescence element;

a third power source line for supplying a reference voltage  
defining a voltage value of a first electrode of said capacitor;

a first switch for setting the reference voltage for said first  
20 electrode of said capacitor;

a data line for supplying a signal voltage to said second  
electrode of said capacitor;

a second switch between said data line and said second  
electrode of said capacitor for supplying the signal voltage to the  
25 second electrode of the first capacitor;

a third switch for connecting said first electrode of said  
luminescence element and said second electrode of said capacitor;  
and

a controller for controlling said first switch, said second switch,  
30 and said third switch,

wherein said controller:

causes said capacitor to hold the voltage corresponding to the  
signal voltage by turning on said first switch and said second switch  
while said third switch is turned off; and

35 turns off said first switch and said second switch to turn on said

third switch after the voltage corresponding to the signal voltage is held by said capacitor.

[Claim 2]

5           The image display device according to Claim 1,  
          wherein said first electrode of said luminescence element is an anode electrode, and said second electrode of said luminescence element is a cathode electrode, and  
          a voltage of said first power source line is higher than a voltage  
10       of said second power source line, and a current flows from said first power source line to said second power source line.

[Claim 3]

          The image display device according to one of Claims 1 and 2,  
15       comprising:  
          a first scanning line for connecting said first switch and said controller, and transmitting a signal for controlling said first switch to said first switch;  
          a second scanning line for connecting said second switch and  
20       said controller, and transmitting a signal for controlling said second switch to said second switch; and  
          a third scanning line for connecting said third switch and said controller, and transmitting a signal for controlling said third switch to said third switch.

25

[Claim 4]

          The image display device according to Claim 3,  
          wherein said first scanning line and said second scanning line are provided as a common scanning line.

30

[Claim 5]

          The image display device according to Claim 1, further comprising:

          a fourth power line for supplying a second reference voltage;  
35       and

a second capacitor provided between said second electrode of said capacitor and said fourth power line,

wherein said second capacitor stores a source potential of said driver while said third switch is turned on.

5

[Claim 6]

The image display device according to Claim 5,

wherein said third power source line and said fourth power source line are provided as a common power source line.

10

[Claim 7]

The image display device according to Claim 5,

wherein said third power source line and said fourth power source line are provided as separate power source lines.

15

[Claim 8]

An image display device comprising:

a luminescence element;

a capacitor which holds a voltage;

20

a driver which has a gate electrode connected to a first electrode of said capacitor and a source electrode connected to a first electrode of said luminescence element, and causes said luminescence element to emit light by applying a drain current corresponding to the voltage held by said capacitor to said luminescence element;

25

a first power source line for determining a potential of said drain electrode of said driver;

a second power source line electrically connected to said second electrode of said luminescence element;

30

a third power source line for supplying a second reference voltage defining a voltage value of a second electrode of said capacitor;

a first switch for setting the second reference voltage for said second electrode of said capacitor;

35

a data line for supplying a signal voltage to said first electrode

of said capacitor;

a second switch between said data line and said first electrode of said capacitor for supplying the signal voltage to the first electrode of the first capacitor;

5 a third switch for connecting said first electrode of said luminescence element and said second electrode of said capacitor; and

a controller for controlling said first switch, said second switch, and said third switch,

10 wherein said controller:

causes said capacitor to hold the voltage corresponding to the signal voltage by turning on said first switch and said second switch while said third switch is turned off; and

15 turns off said first switch and said second switch to turn on said third switch after the voltage corresponding to the signal voltage is held by said capacitor.

[Claim 9]

The image display device according to Claim 8,

20 wherein said first electrode of said luminescence element is an anode electrode, and said second electrode of said luminescence element is a cathode electrode, and

a voltage of said first power source line is higher than a voltage of said second power source line, and a current flows from said first  
25 power source line to said second power source line.

[Claim 10]

The image display device according to one of Claims 8 and 9, comprising

30 a first scanning line for connecting said first switch and said controller, and transmitting a signal for controlling said first switch to said first switch;

a second scanning line for connecting said second switch and said controller, and transmitting a signal for controlling said second  
35 switch to said second switch; and

a third scanning line for connecting said third switch and said controller, and transmitting a signal for controlling said third switch to said third switch.

5 [Claim 11]

The image display device according to Claim 10,  
wherein said first scanning line and said second scanning line  
are provided as a common scanning line.

10 [Claim 12]

The image display device according to Claim 8, further  
comprising:

a fourth power line for supplying a second reference voltage;  
and

15 a second capacitor provided between said second electrode of  
said capacitor and said fourth power line,

wherein said second capacitor stores a source potential of said  
driver while said third switch is turned on.

20 [Claim 13]

The image display device according to Claim 12,  
wherein said third power source line and said fourth power  
source line are provided as a common power source line.

25 [Claim 14]

The display device according to Claim 12,  
wherein said third power source line and said fourth power  
source line are provided as separate power source lines.

30 [Claim 15]

An image display device comprising pixel units including a first  
pixel unit and a second pixel unit which are adjacent to each other and  
each of the first and second pixel units includes:

- a luminescence element;
- 35 a capacitor which holds a voltage;



a driver which has a gate electrode connected to a first electrode of said capacitor and a source electrode connected to a first electrode of said luminescence element, and causes said luminescence element to emit light by applying a drain current  
5 corresponding to the voltage held by said capacitor to said luminescence element;

a first power source line for determining a potential of said drain electrode of said driver;

a second power source line electrically connected to said  
10 second electrode of said luminescence element;

a third power source line for supplying a reference voltage defining a voltage value of a first electrode of said capacitor;

a first switch for setting the reference voltage for said first electrode of said capacitor;

15 a data line for supplying a signal voltage to said second electrode of said capacitor;

a second switch between said data line and said second electrode of said capacitor for supplying the signal voltage to the second electrode of the first capacitor;

20 a third switch for connecting said first electrode of said luminescence element and said second electrode of said capacitor,

a first scanning line for communicating a signal for controlling said first switch to said first switch;

a second scanning line for communicating a signal for  
25 controlling said second switch to said second switch; and

a third scanning line for communicating a signal for controlling said third switch to said third switch,

wherein said image display device includes

a controller which is connected to (i) said first switch through  
30 said first scanning line, (ii) said second switch through said second scanning line, and (iii) said third switch through said third scanning line, and which includes a controller for controlling said first switch, said second switch, and said third switch, and

wherein said controller:

35 causes said capacitor to hold the voltage corresponding to the

signal voltage by turning on said first switch and said second switch while said third switch is turned off;

turns off said first switch and said second switch to turn on said third switch after the voltage corresponding to the signal voltage is  
5 held by said capacitor, and

said first scanning line included in said first pixel unit, said second scanning line included in said first pixel unit, and said third scanning line included in said second pixel unit are diverted from a common scanning line from said controller.

10

[Claim 16]

The image display device according to one of Claims 1 to 15, wherein said luminescence element is an organic electro-luminescence (EL) element.

15

[Claim 17]

A method of controlling an image display device including:  
a luminescence element;  
a capacitor which holds a voltage;

20 a driver which has a gate electrode connected to a first electrode of the capacitor and a source electrode connected to a first electrode of the luminescence element, and causes the luminescence element to emit light by applying a drain current corresponding to the voltage held by the capacitor to the luminescence element;

25 a first power source line for determining a potential of the drain electrode of the driver;

a second power source line electrically connected to the second electrode of the luminescence element;

30 a third power source line for supplying a reference voltage defining a voltage value of a first electrode of the capacitor;

a first switch for setting the reference voltage for the first electrode of the capacitor;

a data line for supplying a signal voltage to the second electrode of the capacitor;

35 a second switch between the data line and the second electrode

of the capacitor for supplying the signal voltage to the second electrode of the first capacitor; and

a third switch for connecting the first electrode of the luminescence element and the second electrode of the capacitor,

5 wherein said method comprises:

causing the capacitor to hold the voltage corresponding to the signal voltage by turning on the first switch and the second switch while the third switch is turned off; and

10 turning off the first switch and the second switch to turn on the third switch after the voltage corresponding to the signal voltage is held by the capacitor.

[Claim 18]

A method of controlling an image display device including:

15 a luminescence element;

a capacitor which holds a voltage;

a driver which has a gate electrode connected to a first electrode of the capacitor and a source electrode connected to a first electrode of the luminescence element, and causes the luminescence  
20 element to emit light by applying a drain current corresponding to the voltage held by the capacitor to the luminescence element;

a first power source line for determining a potential of the drain electrode of the driver;

25 a second power source line electrically connected to the second electrode of the luminescence element;

a third power source line for supplying a reference voltage defining a voltage value of a first electrode of the capacitor;

a first switch for setting the reference voltage for the second electrode of the capacitor;

30 a data line for supplying a signal voltage to the first electrode of the capacitor;

a second switch between the data line and the first electrode of the capacitor for supplying the signal voltage to the second electrode of the first capacitor; and

35 a third switch for connecting the first electrode of the

luminescence element and the second electrode of the capacitor,

wherein said method comprises:

- causing the capacitor to hold the voltage corresponding to the signal voltage by turning on the first switch and the second switch
- 5 while the third switch is turned off; and
- turning off the first switch and the second switch to turn on the third switch after the voltage corresponding to the signal voltage is held by the capacitor.

## 請求の範囲

### [請求項1]

発光素子と、

電圧を保持するコンデンサと、

ゲート電極が前記コンデンサの第1電極に接続され、ソース電極が前記発光素子の第1電極に接続され、前記コンデンサに保持された電圧に応じたドレイン電流を前記発光素子に流すことにより前記発光素子を発光させる駆動素子と、

前記駆動素子のドレイン電極の電位を決定するための第1電源線と

、

前記発光素子の第2電極に電氣的に接続された第2電源線と、

前記コンデンサの第1電極の電圧値を規定する参照電圧を供給する第3電源線と、

前記コンデンサの第1電極に前記参照電圧を設定するための第1スイッチング素子と、

前記コンデンサの第2電極に信号電圧を供給するデータ線と、

一方の端子が前記データ線に電氣的に接続され、他方の端子が前記コンデンサの第2電極に電氣的に接続され、前記データ線と前記コンデンサの第2電極との導通及び非導通を切り換える第2スイッチング素子と、

前記発光素子の第1電極と、前記コンデンサの第2電極とを接続するための第3スイッチング素子と、

前記第1スイッチング素子、前記第2スイッチング素子及び前記第3スイッチング素子を制御する駆動回路とを備え、

前記駆動回路は、

前記第3スイッチング素子をOFFしている間に、前記第1スイッチング素子及び前記第2スイッチング素子をONして前記信号電圧に対応する電圧を前記コンデンサに保持させ、

前記信号電圧に対応する電圧が前記コンデンサに保持された後、前

記第 1 スイッチング素子及び前記第 2 スイッチング素子を OFF して  
前記第 3 スイッチング素子を ON する

画像表示装置。

[請求項2]

前記発光素子の第 1 電極はアノード電極であり、前記発光素子の第 2 電極はカソード電極であり、

前記第 1 電源線の電圧は、前記第 2 電源線の電圧より高く、前記第 1 電源線から前記第 2 電源線に向けて電流が流れる

請求項 1 に記載の画像表示装置。

[請求項3]

前記第 1 スイッチング素子と前記駆動回路とを接続し、前記第 1 スイッチング素子を制御する信号を前記第 1 スイッチング素子に伝達する第 1 走査線と、

前記第 2 スイッチング素子と前記駆動回路とを接続し、前記第 2 スイッチング素子を制御する信号を前記第 2 スイッチング素子に伝達する第 2 走査線と、

前記第 3 スイッチング素子と前記駆動回路とを接続し、前記第 3 スイッチング素子を制御する信号を前記第 3 スイッチング素子に伝達する第 3 走査線とを備える

請求項 1 又は請求項 2 に記載の画像表示装置。

[請求項4]

前記第 1 走査線と前記第 2 走査線とは共通の走査線である

請求項 3 に記載の画像表示装置。

[請求項5]

さらに、

第 2 参照電圧を供給する第 4 電源線と、

前記コンデンサの第 2 電極と前記第 4 電源線との間に設けられた第 2 コンデンサとを備え、

前記第 2 コンデンサは、前記第 3 スイッチング素子が ON している間に前記駆動素子のソース電位を記憶する

請求項 1 に記載の画像表示装置。

[請求項6]

前記第 3 電源線と前記第 4 電源線とは共通の電源線である

請求項 5 に記載の表示装置。

[請求項 7]

前記第 3 電源線と前記第 4 電源線とは別個の電源線である

請求項 5 に記載の表示装置。

[請求項 8]

発光素子と、

電圧を保持するコンデンサと、

ゲート電極が前記コンデンサの第 1 電極に接続され、ソース電極が前記発光素子の第 1 電極に接続され、前記コンデンサに保持された電圧に応じたドレイン電流を前記発光素子に流すことにより前記発光素子を発光させる駆動素子と、

前記駆動素子のドレイン電極の電位を決定するための第 1 電源線と

、

前記発光素子の第 2 電極に電氣的に接続された第 2 電源線と、

前記コンデンサの第 2 電極の電圧値を規定する参照電圧を供給する第 3 電源線と、

前記コンデンサの第 2 電極に前記参照電圧を設定するための第 1 スイッチング素子と、

前記コンデンサの第 1 電極に信号電圧を供給するデータ線と、

一方の端子が前記データ線に電氣的に接続され、他方の端子が前記コンデンサの第 1 電極に電氣的に接続され、前記データ線と前記コンデンサの第 1 電極との導通及び非導通を切り換える第 2 スイッチング素子と、

前記発光素子の第 1 電極と、前記コンデンサの第 2 電極とを接続するための第 3 スイッチング素子と、

前記第 1 スイッチング素子、前記第 2 スイッチング素子及び前記第 3 スイッチング素子を制御する駆動回路とを備え、

前記駆動回路は、

前記第 3 スイッチング素子を OFF している間に、前記第 1 スイッチング素子及び前記第 2 スイッチング素子を ON して前記信号電圧に

対応する電圧を前記コンデンサに保持させ、

前記信号電圧に対応する電圧が前記コンデンサに保持された後、前記第 1 スイッチング素子及び前記第 2 スイッチング素子を OFF して前記第 3 スイッチング素子を ON する

画像表示装置。

[請求項9] 前記発光素子の第 1 電極はアノード電極であり、前記発光素子の第 2 電極はカソード電極であり、

前記第 1 電源線の電圧は、前記第 2 電源線の電圧より高く、前記第 1 電源線から前記第 2 電源線に向けて電流が流れる

請求項 8 に記載の画像表示装置。

[請求項10] 前記第 1 スイッチング素子と前記駆動回路とを接続し、前記第 1 スイッチング素子を制御する信号を前記第 1 スイッチング素子に伝達する第 1 走査線と、

前記第 2 スイッチング素子と前記駆動回路とを接続し、前記第 2 スイッチング素子を制御する信号を前記第 2 スイッチング素子に伝達する第 2 走査線と、

前記第 3 スイッチング素子と前記駆動回路とを接続し、前記第 3 スイッチング素子を制御する信号を前記第 3 スイッチング素子に伝達する第 3 走査線とを備える

請求項 8 又は請求項 9 に記載の画像表示装置。

[請求項11] 前記第 1 走査線と前記第 2 走査線とは共通の走査線である

請求項 10 に記載の画像表示装置。

[請求項12] さらに、

第 2 参照電圧を供給する第 4 電源線と、

前記コンデンサの第 2 電極と前記第 4 電源線との間に設けられた第 2 コンデンサとを備え、

前記第 2 コンデンサは、前記第 3 スイッチング素子が ON している間に前記駆動素子のソース電位を記憶する



請求項 8 に記載の画像表示装置。

[請求項13] 前記第 3 電源線と前記第 4 電源線とは共通の電源線である  
請求項 1 2 に記載の表示装置。

[請求項14] 前記第 3 電源線と前記第 4 電源線とは別個の電源線である  
請求項 1 2 に記載の表示装置。

[請求項15] 複数の画素部を有する画像表示装置であって、  
前記複数の画素部の中の隣接する第 1 画素部と第 2 画素部とは、それぞれ、

発光素子と、

電圧を保持するコンデンサと、

ゲート電極が前記コンデンサの第 1 電極に接続され、ソース電極が  
前記発光素子の第 1 電極に接続され、前記コンデンサに保持された電  
圧に応じたドレイン電流を前記発光素子に流すことにより前記発光素  
子を発光させる駆動素子と、

前記駆動素子のドレイン電極の電位を決定するための第 1 電源線と

、

前記発光素子の第 2 電極に電氣的に接続された第 2 電源線と、

前記コンデンサの第 1 電極の電圧値を規定する参照電圧を供給する  
第 3 電源線と、

前記コンデンサの第 1 電極に前記参照電圧を設定するための第 1 ス  
イッチング素子と、

前記コンデンサの第 2 電極に信号電圧を供給するデータ線と、

一方の端子が前記データ線に電氣的に接続され、他方の端子が前記  
コンデンサの第 2 電極に電氣的に接続され、前記データ線と前記コン  
デンサの第 2 電極との導通及び非導通を切り換える第 2 スイッチング  
素子と、

前記発光素子の第 1 電極と前記コンデンサの第 2 電極とを接続する  
ための第 3 スイッチング素子と、

前記第 1 スイッチング素子を制御する信号を前記第 1 スイッチング素子に伝達する第 1 走査線と、

前記第 2 スイッチング素子を制御する信号を前記第 2 スイッチング素子に伝達する第 2 走査線と、

前記第 3 スイッチング素子を制御する信号を前記第 3 スイッチング素子に伝達する第 3 走査線とを備え、

前記画像表示装置は、

前記第 1 走査線を介して前記第 1 スイッチング素子に接続され、前記第 2 走査線を介して前記第 2 スイッチング素子に接続され、前記第 3 走査線を介して前記第 3 スイッチング素子に接続され、前記第 1 スイッチング素子、前記第 2 スイッチング素子及び前記第 3 スイッチング素子を制御する駆動回路を備え、

前記駆動回路は、

前記第 3 スイッチング素子を OFF している間に、前記第 1 スイッチング素子及び前記第 2 スイッチング素子を ON して前記信号電圧に対応する電圧を前記コンデンサに保持させ、

前記信号電圧に対応する電圧が前記コンデンサに保持された後、前記第 1 スイッチング素子及び前記第 2 スイッチング素子を OFF して前記第 3 スイッチング素子を ON し、

前記第 1 画素部に含まれる前記第 1 走査線と、前記第 1 画素部に含まれる前記第 2 走査線と、前記第 2 画素部に含まれる前記第 3 走査線とは、前記駆動回路からの共通の走査線から分岐している

画像表示装置。

[請求項16]

前記発光素子は、有機 EL 発光素子である

請求項 1 ～請求項 15 のうちいずれか 1 項に記載の画像表示装置。

[請求項17]

発光素子と、

電圧を保持するコンデンサと、

ゲート電極が前記コンデンサの第 1 電極に接続され、ソース電極が

前記発光素子の第 1 電極に接続され、前記コンデンサに保持された電圧に応じたドレイン電流を前記発光素子に流すことにより前記発光素子を発光させる駆動素子と、

前記駆動素子のドレイン電極の電位を決定するための第 1 電源線と、

、

前記発光素子の第 2 電極に電氣的に接続された第 2 電源線と、

前記コンデンサの第 1 電極の電圧値を規定する参照電圧を供給する第 3 電源線と、

前記コンデンサの第 1 電極に前記参照電圧を設定するための第 1 スイッチング素子と、

前記コンデンサの第 2 電極に信号電圧を供給するデータ線と、

一方の端子が前記データ線に電氣的に接続され、他方の端子が前記コンデンサの第 2 電極に電氣的に接続され、前記データ線と前記コンデンサの第 2 電極との導通及び非導通を切り換える第 2 スwitchング素子と、

前記発光素子の第 1 電極と前記コンデンサの第 2 電極とを接続するための第 3 スイッチング素子とを備えた画像表示装置の制御方法であって、

前記第 3 スイッチング素子を OFF している間に、前記第 1 スイッチング素子及び前記第 2 スイッチング素子を ON して前記信号電圧に対応する電圧を前記コンデンサに保持させる第 1 ステップと、

前記信号電圧に対応する電圧が前記コンデンサに保持された後、前記第 1 スイッチング素子及び前記第 2 スイッチング素子を OFF して前記第 3 スイッチング素子を ON させる第 2 ステップとを含む

画像表示装置の制御方法。

[請求項18]

発光素子と、

電圧を保持するコンデンサと、

ゲート電極が前記コンデンサの第 1 電極に接続され、ソース電極が

前記発光素子の第 1 電極に接続され、前記コンデンサに保持された電圧に応じたドレイン電流を前記発光素子に流すことにより前記発光素子を発光させる駆動素子と、

前記駆動素子のドレイン電極の電位を決定するための第 1 電源線と

、

前記発光素子の第 2 電極に電氣的に接続された第 2 電源線と、

前記コンデンサの第 2 電極の電圧値を規定する参照電圧を供給する第 3 電源線と、

前記コンデンサの第 2 電極に前記参照電圧を設定するための第 1 スイッチング素子と、

前記コンデンサの第 1 電極に信号電圧を供給するデータ線と、

一方の端子が前記データ線に電氣的に接続され、他方の端子が前記コンデンサの第 1 電極に電氣的に接続され、前記データ線と前記コンデンサの第 1 電極との導通及び非導通を切り換える第 2 スイッチング素子と、

前記発光素子の第 1 電極と、前記コンデンサの第 2 電極とを接続するための第 3 スイッチング素子とを備えた画像表示装置の制御方法であって、

前記第 3 スイッチング素子を OFF している間に、前記第 1 スイッチング素子及び前記第 2 スイッチング素子を ON して前記信号電圧に対応する電圧を前記コンデンサに保持させる第 1 ステップと、

前記信号電圧に対応する電圧が前記コンデンサに保持された後、前記第 1 スイッチング素子及び前記第 2 スイッチング素子を OFF して前記第 3 スイッチング素子を ON させる第 2 ステップとを含む

画像表示装置の制御方法。



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,218	06/25/2010	Shinya ONO	P38261	7395
52123 7590 04/06/2011 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER LIANG, REGINA	
			ART UNIT 2629	PAPER NUMBER
			NOTIFICATION DATE 04/06/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com



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GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON VA 20191

In re Application of	:	
ONO, SHINYA	:	DECISION ON REQUEST TO
Application No. 12/823,218	:	PARTICIPATE IN PATENT
Filed: June 25, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. P38261	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed March 11, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
- (2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
- (3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
- (4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
- (5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
- (6) Examination of the U.S. application has not begun;

(7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application(s).

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

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Kenneth A. Wieder  
Quality Assurance Specialist  
Technology Center 2600  
Communications

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12823220	
Filing Date	25-Jun-2010	
First Named Inventor	Michael Werle	
Art Unit	3745	
Examiner Name	RICHARD EDGAR	
Attorney Docket Number	FDWT 200011US02	
Title	WIND TURBINE WITH SKELETON-AND-SKIN STRUCTURE	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: <span style="float: right;">27885</span>		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	FloDesign Wind Turbine Corp.	
Address	380 Main Street	
City	Wilbraham	
State	MA	
Postal Code	01095	
Country	US	



I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature

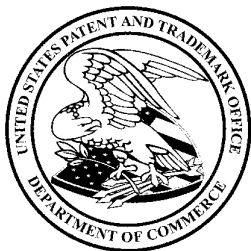
/ Richard M. Klein /

Name

Richard M. Klein

Registration Number

33000



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Decision Date : January 30, 2012

In re Application of :

Michael Werle

Application No : 12823220

Filed : 25-Jun-2010

Attorney Docket No : FDWT 200011US02

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed January 30, 2012

The request is **APPROVED**.

The request was signed by Richard M. Klein (registration no. 33000 ) on behalf of all attorneys/agents associated with Customer Number 27885 . All attorneys/agents associated with Customer Number 27885 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name FloDesign Wind Turbine Corp.

Name2

Address 1 380 Main Street

Address 2

City Wilbraham

State MA

Postal Code 01095

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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PANITCH SCHWARZE BELISARIO & NADEL LLP  
ONE COMMERCE SQUARE  
2005 MARKET STREET, SUITE 2200  
PHILADELPHIA PA 19103

MAILED SEP 21 2010

In re Application of: Lee et al.	:	DECISION ON PETITION TO
Application No.: 12/823238	:	MAKE SPECIAL FOR NEW
Filed: June 25, 2010	:	APPLICATION UNDER 37
Title: Child-Resistant Medicate Container	:	C.F.R. § 1.102 & M.P.E.P. §
	:	708.02

This is a decision on the petition filed on June 25, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

#### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

##### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

##### II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

#### REVIEW OF FACTS

The conditions I:1-4, II: 1-5, 5.3, 6, 6.1, 6.2, 6.3, and 6.4, 6.5, 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.1, and 5.2 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

#### Discussion

When referring to "the petition" hereinbelow, the received papers under consideration include the PTO/SB/28 form, the "pre-examination search document" including pages 1-8; the "accelerated examination support document" comprising pages 1-38, and an Information Disclosure Statement including form PTO/SB/08A.

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 215, subclasses 216, 215, 201, 302, 305, 295; class 220, subclasses 284, 260, 326, 324, 315, 756, 752; class 222, subclasses 153.03, 153.01, 470, 465.1; class 206, subclass 536; class D9, subclasses 449, 447, 435.

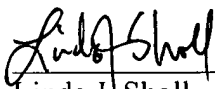
### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Linda J. Sholl, TC 3700 Special Programs Examiner, at (571) 272-4391.



Linda J. Sholl  
Special Programs Examiner  
Technology Center 3700



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MAILED NOV 09 2010

PANITCH SCHWARZE BELISARIO & NADEL LLP  
ONE COMMERCE SQUARE  
2005 MARKET STREET, SUITE 2200  
PHILADELPHIA PA 19103

In re Application of: Lee et al.

Application No.: 12/823238

Filed: June 25, 2010

Title: CHILD-RESISTANT MEDICATE  
CONTAINER

:  
:  
: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02  
:

This is a decision on the renewed petition filed on October 13, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Linda Sholl at (571) 272-4391

/Linda Sholl/  
Linda Sholl  
Special Programs Examiner  
Technology Center 3700





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,238	06/25/2010	Richard M. LEE	688106-1U1	7432

570	7590	09/16/2011
PANITCH SCHWARZE BELISARIO & NADEL LLP		
ONE COMMERCE SQUARE		
2005 MARKET STREET, SUITE 2200		
PHILADELPHIA, PA 19103		

EXAMINER
CHEUNG, CHUN HOI

ART UNIT	PAPER NUMBER
3728	

NOTIFICATION DATE	DELIVERY MODE
09/16/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptomail@panitchlaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

PANITCH SCHWARZE BELISARIO & NADEL LLP  
ONE COMMERCE SQUARE  
2005 MARKET STREET, SUITE 2200  
PHILADELPHIA PA 19103

*In re* Application of:

LEE, RICHARD M.

Serial No.: 12/823,238

Filed: Jan. 12, 2005

Docket: 4730-050007

Title: METHOD OF DIAGNOSING,  
TREATING AND EDUCATING  
INDIVIDUALS WITH AND/OR ABOUT  
DEPRESSION

DECISION ON PETITION

This is a decision on the petition filed on August 29, 2011 by which petitioner requests the Director to review the examiner's Office action of August 25, 2011 and withdraw the restriction requirement. This petition is considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is DISMISSED AS PREMATURE.

The record shows that:

- 1) On March 1, 2011, the examiner issued a final Office action. The examiner rejected claims 1, 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Jennings et al (4,893,728) in view of Williamson (2,426,911). Claim 2 was finally rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings et al (4,893,728) and Williamson (2,426,911), further in view of Hoo (4,154,353). Claim 5 was finally rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings et al (4,893,728) and Williamson (2,426,911), further in view of Traupman (5,169,003). Claims 6-8 were finally rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings et al (4,893,728) and Williamson (2,426,911), further in view of Draghetti (2005/0082178). Claim 9 was finally rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings et al (4,893,728) and Williamson (2,426,911), further in view of Hofmann (5,709,306). Claim 10 was finally rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings et al (4,893,728) and Williamson (2,426,911), further in view of Wigmore (6,595,365). Claim

- 11 was finally rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings et al (4,893,728) and Williamson (2,426,911), further in view of Keeven (6,631,800).
- 2) On March 30, 2011, the applicant amended claims 1, 2, 6 and added new claims 12-13.
  - 3) On August 25, 2011, the examiner issued a written election of species requirement grouping original claims 1-11 as being directed to Species Figs. 1-9 and the amended and added claims 1-11 plus new claims 12-13 as being Species of Figs 14-15. In the restriction, the examiner restricted amended and added claims 1-13 as being directed to a species of Figs. 14-15 that is independent or distinct from Species of Figs. 1-9, the original claimed invention. The examiner held the applicant has constructively elected Species of Figs. 1-9 and found no claims were directed to the elected invention, Species of Figs. 1-9. The applicant was given 30 days to present claims directed to the subject matter of Figs. 1-9.
  - 4) On August 29, 2011, the application filed the current petition.

In the petition, petitioner argues that the restriction requirement was improperly issued. In particular, petitioner presented a total of six points of arguments; in essence, the examiner improperly issued the restriction requirement of August 25, 2011 because the applicant did not switch any claim inventions. Petitioner believes that the original claims 1-11 were not directed only to the elected Figs. 1-9.

#### Discussion and Analysis

A review of the record reveals that on August 25, 2011 the examiner issued a restriction requirement. In the restriction requirement, the examiner stated in the Office action that two groups of inventions are independent or distinct. In the petition, petitioner disagrees with the examiner's restriction requirement for various reasons as stated in Paragraphs 1-6 of the petition. Since the examiner did not have a chance to answer the questions and arguments raised by the petitioner and repeat the restriction of the Office Action of August 25, 2011, the petition is hereby dismissed as premature in accordance with 37 CFR 1.181(c)<sup>1</sup> and (37 CFR 1.144<sup>2</sup>). Under the circumstances, the examiner is directed to fully answer the applicant's arguments raised in Paragraphs 1-6 of the petition after receipt of a response to the outstanding Office action of August 29, 2011 from the applicant.

Petitioner is reminded that in order to preserve a right to petition under 37 CFR 1.144, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement of August 25, 2011, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be

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<sup>1</sup> 37 CFR 1.181(c) When a petition is taken from an action or requirement of an examiner in the ex parte prosecution of an application, or in the ex parte or inter partes prosecution of a reexamination proceeding, it may be required that there have been a proper request for reconsideration (§ 1.111) and a repeated action by the examiner. The examiner may be directed by the Director to furnish a written statement, within a specified time, setting forth the reasons for his or her decision upon the matters averred in the petition, supplying a copy to the petitioner.

<sup>2</sup> § 1.144 Petition from requirement for restriction: After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Director to review the requirement. Petition may be deferred until after final action on or allowance of claims to the invention elected, but must be filed not later than appeal. A petition will not be considered if reconsideration of the requirement was not requested (see § 1.181).

considered timely. Failure to timely traverse the requirement will result in the loss of right to petition. Should applicant traverse on the ground that the various inventions are not patentably distinct applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103 (a) of the other inventions.

#### Conclusion

For the reasons outlined above, petitioner's request to overrule the examiner and withdraw the restriction requirement is premature and cannot be granted. The examiner is directed to reconsider the restriction requirement of August 25, 2011 when a response to the outstanding Office action is filed

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3728 awaiting a response for the outstanding Office action of August 25, 2011. The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181".

Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

The petition is DISMISSED AS PREMATURE.



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Sharon A. Gibson, Director  
Technology Center 3700

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION  
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY  
OFFICE (KIPO) AND THE USPTO**

Application No:	12/823,263	Filing date:	June 25, 2010
First Named Inventor:	Alan E. Pryor		
Title of the Invention:	Rodent Bait Station		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE  
SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT  
[HTTP://WWW.USPTO.GOV/EBC/efs\\_help.html](http://www.uspto.gov/EBC/efs_help.html)

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE  
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT  
application number(s) is/are: PCT/US2010/039926

The international filing date of the corresponding  
PCT application(s) is/are: June 25, 2010

**I. List of Required Documents:**

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified  
corresponding PCT application(s)



Is attached.

Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the  
above-identified corresponding PCT application(s).



Is attached.

Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English  
language). A statement that the English translation is accurate is attached for the document in b. above.

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/823,263
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First Named Inventor:	Alan E. Pryor
-----------------------	---------------

- ☒

9

**(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

- ☒

1

Have already been filed in the above-identified U.S. application on \_\_\_\_\_

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

James A. Wilke

Date **March 9, 2011**

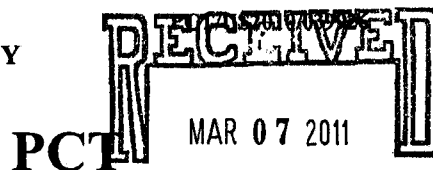
Name  
(Print/Typed)

**James A. Wilke**

Registration Number 34,279

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY



To:

MILLER LESLIE S.

REINHART BOERNER VAN DEUREN S.C. ATTN: LINDA KASULKE, DOCKET CLERK 1000 NORTH WATER STREET MILWAUKEE WI 53202 USA

## NOTIFICATION OF REINHART BOERNER VAN DEUREN S.C. THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference <b>11260-PCT</b>	Date of mailing (day/month/year) 08 FEBRUARY 2011 (08.02.2011)
International application No. <b>PCT/US2010/039926</b>	International filing date (day/month/year) <b>25 JUNE 2010 (25.06.2010)</b>
Applicant <b>DE SANGOSSE U.S., INC. et al</b>	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.  
**Filing of amendments and statement under Article 19:**  
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):  
**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.  
**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70  
**For more detailed instructions, see PCT Applicant's Guide, International Phase, paragraphs 9.004 . 9.011.**
2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:  
☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.  
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

### 4. Reminders

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices. In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR



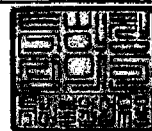
Korean Intellectual Property Office  
 Government Complex-Daejeon, 139 Seonsa-ro,  
 Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

COMMISSIONER

Telephone No. 82-42-481-8754



**\* Attention**

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => PCT Services => PCT Services

ID : PCT international application number

PW : **KQZS4OFW**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>

Email: [ipkc@ipkcenter.com](mailto:ipkc@ipkcenter.com)

Phone: +1 703 388 1066

Fax: +1 703 388 1084



## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 11260-PCT	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. <b>PCT/US2010/039926</b>	International filing date ( <i>day/month/year</i> ) <b>25 JUNE 2010 (25.06.2010)</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) <b>26 JUNE 2009 (26.06.2009)</b>
Applicant <b>DE SANGOSSE U.S., INC. et al</b>		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of:

☒ the international application in the language in which it was filed

☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

a. the figure of the drawings to be published with the abstract is Figure No. 2

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figure is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No.  
**PCT/US2010/039926****A. CLASSIFICATION OF SUBJECT MATTER***A01M 25/00(2006.01); A01M 1/20(2006.01);*

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

A01M 25/00; A01M 1/20; A01M 23/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models

Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) &amp; Keywords: rodent, mouse, pest, bait, child, tray, reusable, latch.

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5272832 A1 (MARSHALL EDWARD F. et al.) 28 December 1993 See abstract: column 2, line 43 - column 3, line 46; claim 1 and figures 1-3.	1-22
A	US 2004-0181996 A1 (DANIEL C. JOHNSON et al.) 23 September 2004 See abstract: paragraph [0016] - paragraph [0022]; claim 1 and figures 1-6.	1-22
A	US 2004-0244274 A1 (DELLEVIGNE LAURA A et al.) 09 December 2004 See abstract: paragraph [0018] - paragraph [0023]; claim 1 and figures 1-2.	1-22
A	US 2008-0072475 A1 (THOMAS D. NELSON et al.) 27 March 2008 See abstract: paragraph [0034] - paragraph [0043]; claim 1 and figures 1-5.	1-22



Further documents are listed in the continuation of Box C.



See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search

28 JANUARY 2011 (28.01.2011)

Date of mailing of the international search report

**08 FEBRUARY 2011 (08.02.2011)**

Name and mailing address of the ISA/KR

Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

Kwon Oh Min

Telephone No. 82-42-481-8414



**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

**PCT/US2010/039926**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 5272832 A1	28.12.1993	None	
US 2004-0181996 A1	23.09.2004	AU 2003-204152 A1 EP 1459625 A1 US 6807768 B2	07.10.2004 22.09.2004 26.10.2004
US 2004-0244274 A1	09.12.2004	AR034513A1 AT 285676 T BR 0210443 A CN 1188034 C CN 1516549 A DE 60202467 D1 DE 60202467 T2 EP 1397040 A1 EP 1397040 B1 GB 2384966 A MX PA03011625A WO 02-102147 A1	25.02.2004 15.01.2005 17.08.2004 09.02.2005 28.07.2004 03.02.2005 16.02.2006 17.03.2004 29.12.2004 13.08.2003 01.07.2004 27.12.2002
US 2008-0072475 A1	27.03.2008	None	

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
MILLER LESLIE S.

REINHART BOERNER VAN DEUREN S.C. ATTN: LINDA  
KASULKE, DOCKET CLERK 1000 NORTH WATER  
STREET MILWAUKEE WI 53202 USA

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) 08 FEBRUARY 2011 (08.02.2011)

Applicant's or agent's file reference  
11260-PCT

FOR FURTHER ACTION  
See paragraph 2 below

International application No. <b>PCT/US2010/039926</b>	International filing date (day/month/year) <b>25 JUNE 2010 (25.06.2010)</b>	Priority date(day/month/year) 26 JUNE 2009 (26.06.2009)
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International Patent Classification (IPC) or both national classification and IPC

*A01M 25/00(2006.01)I, A01M 1/20(2006.01)I*

Applicant

**DE SANGOSSE U.S., INC. et al**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.  
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR  
Korean Intellectual Property Office  
Government Complex-Daejeon, 139  
Seonsa-ro, Seo-gu, Daejeon 302  
-701, Republic of Korea  
Facsimile No. 82-42-472-7140

Date of completion of this opinion  
28 JANUARY 2011 (28.01.2011)

Authorized officer

Kwon Oh Min

Telephone No. 82-42-481-8414



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/039926**

**Box No. 1 Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:

a. a sequence listing filed or furnished

- ☐ on paper
- ☐ in electronic form

b. time of filing or furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2010/039926**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-22	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-22	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-22	YES
	Claims	NONE	NO

**2. Citations and explanations :**

Reference is made to the following documents:

D1: US 5272832 A1 (MARSHALL EDWARD F. et al.) 28 December 1993  
D2: US 2004-0181996 A1 (DANIEL C. JOHNSON et al.) 23 September 2004  
D3: US 2004-0244274 A1 (DELLEVIGNE LAURA A et al.) 09 December 2004  
D4: US 2008-0072475 A1 (THOMAS D. NELSON et al.) 27 March 2008

**1. Novelty and Inventive Step**

**1.1 Independent Claim 1**

The subject matter of claim 1 differs from these prior art documents in that the reusable bait station comprises a bait receptacle which is removably inserted into the bait station housing. And it is not obvious to a person skilled in the art by the documents., taken alone or in combination. Therefore, claim 1 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

**1.2 Dependent Claims 2-10**

Claims 2-10 are dependent on claim 1 and therefore meet the requirements of PCT Article 33(2) and (3).

**1.3 Independent Claim 11**

The subject matter of claim 11 differs from these prior art documents in that the bait station housing has a bait receptacle access opening, and the bait receptacle is received by the bait station housing within the receptacle opening. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 11 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

**1.4 Dependent Claims 12-20**

Claims 12-20 are dependent on claim 11 and therefore meet the requirements of PCT Article 33(2) and (3).

**1.5 Independent Claim 21**

The subject matter of claim 21 differs from these prior art documents in that the reusable bait station comprises a bait receptacle which is removably inserted into the bait station housing. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 21 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

**1.6 Independent Claim 22**

The subject matter of claim 22 differs from these prior art document in the steps of slidingly inserting the bait receptacle into a bait receptacle access opening located the bait station housing; and monitoring the bait receptacle through a transparent portion of the bait station housing. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 22 meets the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Continued on Supplemental Box

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2010/039926**

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.  
Continuation of :

Box V

**2. Industrial Applicability**

Claims 1-22 are industrially applicable under PCT Article 33(4).

WHAT IS CLAIMED IS:

- 1 1. A reusable bait station for pest control,  
2 comprising:
  - 3 a bait station housing having a flat side for placement against a  
4 wall, said bait station housing comprising:
    - 5 a first pest access opening located in a side of said bait  
6 station housing adjacent said flat side of said bait station housing;  
7 a bait receptacle access opening located in said bait station  
8 housing;
    - 9 a first latch member located in said bait station housing;
    - 10 and
    - 11 a first latch release mechanism located in said bait station  
12 housing;
    - 13 a bait receptacle, wherein said bait receptacle and said bait station  
14 housing are respectively arranged and configured to allow said bait  
15 receptacle to be removably inserted into said bait station housing, said  
16 bait receptacle comprising:
      - 17 a bait retaining element configured to retain an amount of  
18 bait;
      - 19 a first displaceable tab configured to engage said first latch  
20 member to retain said bait receptacle in said bait station housing,  
21 said first displaceable tab being configured for engagement by  
22 said first latch release mechanism such that when said first latch  
23 release mechanism is actuated, said first displaceable tab will be  
24 disengaged from said first latch member to allow said bait  
25 receptacle to be removed from said bait station housing; and
      - 26 a gripping element located on said bait receptacle in a  
27 location that is accessible when said bait receptacle is installed in  
28 said bait station housing.



1     2.     The reusable bait station of Claim 1, wherein said bait station  
2     housing comprises:

3             a transparent or translucent portion configured to allow a user to  
4     view the amount of bait retained by said bait receptacle and/or the  
5     interior of said bait station housing to determine whether a pest is  
6     located therein.

1     3.     The reusable bait station of Claim 1, wherein said bait station  
2     housing additionally comprises:

3             a second latch member located in said bait station housing; and  
4             a second latch release mechanism located in said bait station  
5     housing; and

6     wherein said bait receptacle additionally comprises:

7             a second displaceable tab configured to engage said second latch  
8     member to retain said bait receptacle in said bait station housing, said  
9     second displaceable tab being configured for engagement by said second  
10    latch release mechanism, said second displaceable tab being engageable  
11    by said second latch release mechanism to disengage said second  
12    displaceable tab from said second latch member;

13    wherein when said first and second displaceable tabs are respectively  
14    actuated by said first and second latch release mechanisms, said first and  
15    second displaceable tabs will be respectively disengaged from said first  
16    and second latch members to allow said bait receptacle to be removed  
17    from said bait station housing.

1     4.     The reusable bait station of Claim 3, wherein said first and  
2     second latch release mechanisms are arranged and configured on said  
3     bait station housing with respect to said gripping element located on said  
4     bait receptacle such that when said bait receptacle is located in said bait  
5     station housing, said first and second latch release mechanisms and said

6 gripping element cannot be engaged with a single hand of a user to  
7 remove said bait receptacle from said bait station housing.

1 5. The reusable bait station of Claim 1, wherein said bait station  
2 housing additionally comprises:  
3 a second pest access opening located in a side of said bait station  
4 housing adjacent said flat side of said bait station housing and on a side  
5 of said bait station housing opposite said first pest access opening.

1 6. The reusable bait station of Claim 5, wherein said bait receptacle  
2 is accessible by way of said first and second pest access openings.

1 7. The reusable bait station of Claim 5, wherein said first and  
2 second pest access openings are connected with by way of a lateral  
3 interior passageway, said lateral interior passageway being coupled with  
4 a bait access passageway defined in said bait station housing  
5 perpendicular to said lateral interior passageway which provides access  
6 to bait located in said bait receptacle.

1 8. The reusable bait station of Claim 1, wherein said bait station  
2 housing and said bait receptacle are formed from injection molded  
3 plastic.

1 9. The reusable bait station of Claim 1, additionally comprising:  
2 a plurality of outwardly extending feet coupled to said bait station  
3 housing at a bottom side thereof and arranged and configured to stabilize  
4 said bait station housing.

1 10. The reusable bait station of Claim 1, wherein said bait station  
2 housing additionally comprises:  
3 a pair of spaced-apart angled channels located within said bait  
4 station housing; and

5 wherein said bait receptacle additionally comprises:  
6 a pair of flanges located on opposite sides of said bait receptacle;  
7 wherein said pair of flanges on said bait receptacle respectively engage  
8 said pair of channels within said bait station housing to facilitate  
9 insertion of said bait receptacle into said bait station housing through  
10 said bait receptacle access opening.

1 11. A reusable bait station comprising:  
2 a bait station housing including at least one external opening and  
3 a bait receptacle access opening, said bait station housing having a top  
4 member coupled to a bottom member, said top member defining at least  
5 one latch member and at least one latch release button; and  
6 a bait receptacle defining a bait pocket, said bait receptacle  
7 including an engagement member for releasable engagement with said  
8 latch member, said bait receptacle being configured to be received by  
9 said bait station housing within said receptacle opening;  
10 wherein said engagement member is configured to interact with said  
11 latch member when said bait receptacle is inserted into said receptacle  
12 opening to releasably secure said bait receptacle within said bait station  
13 housing; and  
14 wherein said latch release button is configured to release said  
15 engagement member from engagement with said latch member to allow  
16 said bait receptacle to be removed from said bait station housing.

1 12. The reusable bait station of Claim 11, wherein at least a portion  
2 of said top member is one of transparent and translucent;  
3 wherein a user may view rodents and bait within at least one of said bait  
4 station housing and said bait receptacle.

1 13. The reusable bait station of Claim 11, wherein said bait  
2 receptacle defines a bait pocket configured to receive bait.

1 14. The reusable bait station of Claim 11, wherein said bait station  
2 housing defines a bait access passage configured to receive said bait  
3 receptacle.

1 15. The reusable bait station of Claim 14, wherein said bait access  
2 passage is accessible by way of said at least one external opening in said  
3 bait station housing.

1 16. The reusable bait station of Claim 14, wherein said bait access  
2 passage comprises:  
3 a pair of angled channels; and  
4 wherein said bait receptacle comprises:  
5 a pair of side flanges.

1 17. The reusable bait station of Claim 16, wherein said side flanges  
2 are supported by said angled channels when said bait receptacle is  
3 inserted into said bait station housing.

1 18. The reusable bait station of Claim 17, wherein said angled  
2 channels are angled downwardly with respect to said top member of said  
3 bait station housing, and wherein said bait receptacle is supported at a  
4 downward angle within said bait station housing.

1 19. The reusable bait station of Claim 11, wherein said bait station  
2 housing comprises a flat side and wherein said at least one external  
3 opening is located adjacent said flat side.

1 20. The reusable bait station of Claim 11, wherein said bait  
2 receptacle is removable from said bait station housing without the use of  
3 a key.

1 21. A reusable bait station, comprising:

2           a bait station housing having a flat side for placement against a  
3 wall and at least one external pest access opening located adjacent said  
4 flat side;  
5           a bait receptacle for installation into said bait station housing,  
6 said bait receptacle and said bait station housing being respectively  
7 arranged and configured to allow said bait receptacle to be removably  
8 inserted into said bait station housing;  
9           a latch member and a latch release mechanism located in said bait  
10 station housing;  
11           an engageable member configured to engage said latch member  
12 to retain said bait receptacle in said bait station housing, said engageable  
13 member being operable by said first latch release mechanism such that  
14 when said latch release mechanism to release said latch member to allow  
15 said bait receptacle to be removed from said bait station housing;  
16 wherein at least a portion of said bait station housing is transparent to  
17 allow a bait receptacle installed in said bait station housing to be viewed.

22. A method of pest control comprising the steps of:

- providing a bait station housing having a flat side for placement against a wall and at least one external pest access opening located adjacent said flat side;
- slidingly inserting a bait receptacle into a bait receptacle access opening located said bait station housing whereupon said bait receptacle is releasably latched within said housing;
- monitoring said bait receptacle through a transparent portion of said bait station housing; and
- actuating a release member in said bait station housing to release said bait receptacle from said bait station housing, whereupon said bait receptacle may be removed from said bait station housing.

WHAT IS CLAIMED IS:

- 1 1. A reusable bait station for pest control,  
2 comprising:
  - 3 a bait station housing having a flat side  
4 for placement against a wall, said bait station  
5 housing comprising:
    - 6 a first pest access opening located in  
7 a side of said bait station housing adjacent  
8 said flat side of said bait station housing;  
9 a bait receptacle access opening  
10 located in said bait station housing;  
11 a first latch member located in said  
12 bait station housing; and  
13 a first latch release mechanism located  
14 in said bait station housing;  
15 a bait receptacle, wherein said bait  
16 receptacle and said bait station housing are  
17 respectively arranged and configured to allow  
18 said bait receptacle to be removably inserted  
19 into said bait station housing, said bait  
20 receptacle comprising:
      - 21 a bait retaining element configured to  
22 retain an amount of bait;  
23 a first displaceable tab configured to  
24 engage said first latch member to retain  
25 said bait receptacle in said bait station  
26 housing, said first displaceable tab being  
27 configured for engagement by said first  
28 latch release mechanism such that when said  
29 first latch release mechanism is actuated,  
30 said first displaceable tab will be  
31 disengaged from said first latch member to  
32 allow said bait receptacle to be removed  
33 from said bait station housing; and

34           a gripping element located on said bait  
35       receptacle in a location that is accessible  
36       when said bait receptacle is installed in  
37       said bait station housing.

1    2.   The reusable bait station of Claim 1,  
2    wherein said bait station housing comprises:  
3       a transparent or translucent portion  
4    configured to allow a user to view the amount of  
5    bait retained by said bait receptacle and/or the  
6    interior of said bait station housing to  
7    determine whether a pest is located therein.

1    3.   The reusable bait station of Claim 1,  
2    wherein said bait station housing additionally  
3    comprises:  
4       a second latch member located in said bait  
5    station housing; and  
6       a second latch release mechanism located in  
7    said bait station housing; and  
8    wherein said bait receptacle additionally  
9    comprises:  
10       a second displaceable tab configured to  
11    engage said second latch member to retain said  
12    bait receptacle in said bait station housing,  
13    said second displaceable tab being configured  
14    for engagement by said second latch release  
15    mechanism, said second displaceable tab being  
16    engageable by said second latch release  
17    mechanism to disengage said second displaceable  
18    tab from said second latch member;  
19    wherein when said first and second displaceable  
20    tabs are respectively actuated by said first and  
21    second latch release mechanisms, said first and  
22    second displaceable tabs will be respectively  
23    disengaged from said first and second latch



24 members to allow said bait receptacle to be  
25 removed from said bait station housing.

1 4. The reusable bait station of Claim 3,  
2 wherein said first and second latch release  
3 mechanisms are arranged and configured on said  
4 bait station housing with respect to said  
5 gripping element located on said bait receptacle  
6 such that when said bait receptacle is located  
7 in said bait station housing, said first and  
8 second latch release mechanisms and said  
9 gripping element cannot be engaged with a single  
10 hand of a user to remove said bait receptacle  
11 from said bait station housing.

1 5. The reusable bait station of Claim 1,  
2 wherein said bait station housing additionally  
3 comprises:  
4 a second pest access opening located in a  
5 side of said bait station housing adjacent said  
6 flat side of said bait station housing and on a  
7 side of said bait station housing opposite said  
8 first pest access opening.

1 6. The reusable bait station of Claim 5,  
2 wherein said bait receptacle is accessible by  
3 way of said first and second pest access  
4 openings.

1 7. The reusable bait station of Claim 5,  
2 wherein said first and second pest access  
3 openings are connected with by way of a lateral  
4 interior passageway, said lateral interior  
5 passageway being coupled with a bait access  
6 passageway defined in said bait station housing  
7 perpendicular to said lateral interior

8 passageway which provides access to bait located  
9 in said bait receptacle.

1 8. The reusable bait station of Claim 1,  
2 wherein said bait station housing and said bait  
3 receptacle are formed from injection molded  
4 plastic.

1 9. The reusable bait station of Claim 1,  
2 additionally comprising:  
3 a plurality of outwardly extending feet  
4 coupled to said bait station housing at a bottom  
5 side thereof and arranged and configured to  
6 stabilize said bait station housing.

1 10. The reusable bait station of Claim 1,  
2 wherein said bait station housing additionally  
3 comprises:  
4 a pair of spaced-apart angled channels  
5 located within said bait station housing; and  
6 wherein said bait receptacle additionally  
7 comprises:  
8 a pair of flanges located on opposite sides  
9 of said bait receptacle;  
10 wherein said pair of flanges on said bait  
11 receptacle respectively engage said pair of  
12 channels within said bait station housing to  
13 facilitate insertion of said bait receptacle  
14 into said bait station housing through said bait  
15 receptacle access opening.

1 11. A reusable bait station comprising:  
2 a bait station housing including at least  
3 one external opening and a bait receptacle  
4 access opening, said bait station housing having  
5 a top member coupled to a bottom member, said

6 top member defining at least one latch member  
7 and at least one latch release button; and  
8 a bait receptacle defining a bait pocket,  
9 said bait receptacle including an engagement  
10 member for releasable engagement with said latch  
11 member, said bait receptacle being configured to  
12 be received by said bait station housing within  
13 said receptacle opening;  
14 wherein said engagement member is configured to  
15 interact with said latch member when said bait  
16 receptacle is inserted into said receptacle  
17 opening to releasably secure said bait  
18 receptacle within said bait station housing;  
19 and  
20 wherein said latch release button is configured  
21 to release said engagement member from  
22 engagement with said latch member to allow said  
23 bait receptacle to be removed from said bait  
24 station housing.

1 12. The reusable bait station of Claim 11,  
2 wherein at least a portion of said top member is  
3 one of transparent and translucent;  
4 wherein a user may view rodents and bait within  
5 at least one of said bait station housing and  
6 said bait receptacle.

1 13. The reusable bait station of Claim 11,  
2 wherein said bait receptacle defines a bait  
3 pocket configured to receive bait.

1 14. The reusable bait station of Claim 11,  
2 wherein said bait station housing defines a bait  
3 access passage configured to receive said bait  
4 receptacle.

1 15. The reusable bait station of Claim 14,  
2 wherein said bait access passage is accessible  
3 by way of said at least one external opening in  
4 said bait station housing.

1 16. The reusable bait station of Claim 14,  
2 wherein said bait access passage comprises:  
3 a pair of angled channels; and  
4 wherein said bait receptacle comprises:  
5 a pair of side flanges.

1 17. The reusable bait station of Claim 16,  
2 wherein said side flanges are supported by said  
3 angled channels when said bait receptacle is  
4 inserted into said bait station housing.

1 18. The reusable bait station of Claim 17,  
2 wherein said angled channels are angled  
3 downwardly with respect to said top member of  
4 said bait station housing, and wherein said bait  
5 receptacle is supported at a downward angle  
6 within said bait station housing.

1 19. The reusable bait station of Claim 11,  
2 wherein said bait station housing comprises a  
3 flat side and wherein said at least one external  
4 opening is located adjacent said flat side.

1 20. The reusable bait station of Claim 11,  
2 wherein said bait receptacle is removable from  
3 said bait station housing without the use of a  
4 key.

1 21. A reusable bait station, comprising:  
2 a bait station housing having a flat side  
3 for placement against a wall and at least one

4 external pest access opening located adjacent  
5 said flat side;  
6 a bait receptacle for installation into said  
7 bait station housing, said bait receptacle and  
8 said bait station housing being respectively  
9 arranged and configured to allow said bait  
10 receptacle to be removably inserted into said  
11 bait station housing;  
12 a latch member and a latch release mechanism  
13 located in said bait station housing;  
14 an engageable member configured to engage  
15 said latch member to retain said bait receptacle  
16 in said bait station housing, said engageable  
17 member being operable by said first latch  
18 release mechanism such that when said latch  
19 release mechanism to release said latch member  
20 to allow said bait receptacle to be removed from  
21 said bait station housing;  
22 wherein at least a portion of said bait station  
23 housing is transparent to allow a bait  
24 receptacle installed in said bait station  
25 housing to be viewed.

1 22. A method of pest control comprising the  
2 steps of:  
3 providing a bait station housing having a  
4 flat side for placement against a wall and at  
5 least one external pest access opening located  
6 adjacent said flat side;  
7 slidably inserting a bait receptacle into a  
8 bait receptacle access opening located said bait  
9 station housing whereupon said bait receptacle  
10 is releasably latched within said housing;  
11 monitoring said bait receptacle through a  
12 transparent portion of said bait station  
13 housing; and

14        actuating a release member in said bait  
15   station housing to release said bait receptacle  
16   from said bait station housing, whereupon said  
17   bait receptacle may be removed from said bait  
18   station housing.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,263	06/25/2010	Alan E. Pryor	11260	7486
22922 7590 04/04/2011 REINHART BOERNER VAN DEUREN S.C. ATTN: LINDA KASULKE, DOCKET COORDINATOR 1000 NORTH WATER STREET SUITE 2100 MILWAUKEE, WI 53202			EXAMINER POON, PETER M	
			ART UNIT 3643	PAPER NUMBER
			NOTIFICATION DATE 04/04/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPAdmin@reinhartlaw.com



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APR - 1 2011

REINHART BOERNER VAN DEUREN S.C.  
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MILWAUKEE WI 53202

In re application of  
Pryor et al.  
Application No. 12/823,263  
Filed: June 25, 2010  
For: RODENT BAIT STATION

: **DECISION ON REQUEST TO**  
: **PARTICIPATE IN PATENT**  
: **PROSECUTION HIGHWAY**  
: **PROGRAM AND PETITION**  
: **TO MAKE SPECIAL UNDER**  
: **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 9, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.



In light of the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,  
Quality Assurance Specialist  
Technology Center 3600

MB/MB: 03/31/11

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: <b>O2-0710</b>	Application Number (if known): <b>12/823,269</b>	Filing date: <b>06/25/2010</b>
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First Named Inventor: **Tiesheng YAN**

Title: **CIRCUITS AND METHODS FOR CONTROLLING POWER OF LIGHT SOURCES**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature **/James P. Hao/**

Date **12/13/2010**

Name (Print/Typed) **James P. Hao**

Registration Number **36398**

**Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.**



\*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

**Instruction Sheet for**  
**Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

O2-0710  
12/823,269

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Tiesheng YAN et al.	Examiner:	
Serial No.:	12/823,269	Group Art Unit:	2821
Filed:	06/25/2010	Docket:	O2-0710
Confirmation No.:	7499		
Title:	CIRCUITS AND METHODS FOR CONTROLLING POWER OF LIGHT SOURCES		

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**STATEMENT OF SPECIAL STATUS FOR PETITION TO MAKE  
SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**BASIS FOR SPECIAL STATUS**

Special status under the Green Technology Pilot program is sought because the claimed subject matter of this Application materially contributes to the more efficient utilization and conservation of energy resources. Further, the claimed subject matter of this Application materially enhances the quality of the environment through energy conservation.

**HOW THE MATERIALITY STANDARD IS MET**

The claimed subject matter of this Application is directed to driving circuits for driving/controlling power to light sources, such as light emitting diodes (LEDs). The driving circuits materially improve power efficiency and materially reduce energy

consumption by stabilizing brightness of light output from, for example, LEDs to replace non-LED and power inefficient light sources in various applications. Moreover, the claimed invention subject matter reduces the variation of an average current level of the light source which is caused by the variation of the input voltage or the output voltage. As such, the brightness of the light source is relatively stable. Additionally, the claimed subject matter may be employed in industrial equipment, commercial equipment, and household appliances to materially contribute to the more efficient utilization and conservation of energy resources.

An example of a household appliance is a display system. In a display system, one or more light sources are driven by a driving circuit for illuminating a display panel. For example, in a liquid crystal display (LCD) display system with light emitting diode (LED) backlight, an LED array is used for illuminating an LCD panel. An LED array may comprise two or more LED strings, and each LED string may comprise a group of LEDs connected, for example, in series. The claimed subject matter may be employed herein to drive power to the LED array to generate light output with stable brightness while providing energy efficiency and reduction in energy consumption compared to non-LED and power inefficient light sources.

LEDs have a multitude of environmental advantages. Unlike incandescent and fluorescent bulbs, an LED light source does not utilize a filament or any type of luminary gas. LEDs contain no harmful chemicals such as mercury which is found in fluorescent lights. LEDs are manufactured from materials that can be fully recycled.

O2-0710  
12/823,269

Most energy used by the LED is converted into light, not heat. Traditional lighting is relatively inefficient due to the large amounts of heat generated in the production of light. Moreover, LEDs have a longer lifespan.

The Commissioner is hereby authorized to charge fees associated with this communication or credit any overpayment to Deposit Account No.: 50-4160.

Please direct all correspondence concerning the above-identified application to the following address:

**MURABITO HAO & BARNES LLP**  
Two North Market Street, Third Floor  
San Jose, California 95113  
(408) 938-9060  
71271

Respectfully submitted,

Date: 12/13/2010

By: /James P. Hao/  
James P. Hao  
Reg. No. 36,398



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,269	06/25/2010	Tiesheng YAN	0710	7499
71271 7590 12/21/2010 PATENT PROSECUTION O2MIRCO, INC. 3118 PATRICK HENRY DRIVE SANTA CLARA, CA 95054				
EXAMINER				
			ART UNIT	PAPER NUMBER
			2821	
			MAIL DATE	DELIVERY MODE
			12/21/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





UNITED STATES PATENT AND TRADEMARK OFFICE

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PATENT PROSECUTION  
O2MIRCO, INC.  
3118 PATRICK HENRY DRIVE  
SANTA CLARA CA 95054

In re Application of	:	
YAN et al.	:	DECISION ON PETITION
Application No. 12/823,269	:	TO MAKE SPECIAL UNDER
Filed: June 25, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 0710	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on December 13, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

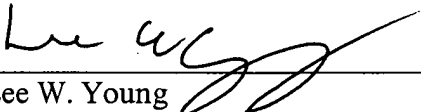
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2821 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

WESTINGHOUSE ELECTRIC COMPANY, LLC  
P.O. BOX 355  
PITTSBURGH PA 15230-0355

**MAILED**  
**MAR 14 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Phillips et al.	:	
Application No. 12/823,342	:	DECISION GRANTING STATUS
Filed: June 25, 2010	:	STATUS UNDER 37 CFR 1.47(a)
Attorney Docket No. NSD2009-008	:	

This is in response to the petition under 37 CFR 1.47(a), filed August 23, 2010.

The petition is **GRANTED**.

Petitioner has shown that the nonsigning inventor, Roger D. Phillips, III, has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the nonsigning inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 3724 for examination on the merits.

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**ROGER PHILLIPS, III**  
**261 PINEBROOKE ROAD**  
**KERSHAW, SC 29730**

**MAILED**

**MAR 14 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Phillips et al. :  
Application No. 12/823,342 : **ON PETITION**  
Filed: June 25, 2010 :  
Attorney Docket No. NSD2009-008 :

Mr. Phillips,

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MARK LEVY  
HINMAN, HOWARD & KATTELL, LLP  
80 EXCHANGE STREET  
P.O. BOX 5250  
BINGHAMTON NY 13901

**MAILED**

**AUG 30 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Spolar, Margaret M.	:	
Application No. 12/823,353	:	ON PETITION
Filed: June 25, 2010	:	
Attorney Docket No. SPOLAR-105	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 25, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

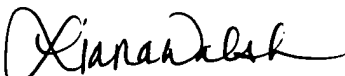
The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant's attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Office of Patent Application Processing for further pre-examination processing. Thereafter, the application will be referred to Technology Center AU 3625 for action on the merits commensurate with this decision.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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MARK LEVY  
HINMAN, HOWARD & KATTELL, LLP  
80 EXCHANGE STREET  
P.O. BOX 5250  
BINGHAMTON NY 13901

**MAILED**

**AUG 3 0 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Spolar, Margaret M.	:	
Application No. 12/823,353	:	ON PETITION
Filed: June 25, 2010	:	
Attorney Docket No. SPOLAR-105	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 25, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant's attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

A Notice to File Corrected Application Papers was mailed July 6, 2010. Accordingly, this application will be referred to the Office of Patent Application Processing to await a response. Thereafter, the application will be referred to Technology Center AU 3625 for action on the merits commensurate with this decision.

Liana Walsh  
Petitions Examiner  
Office of Petitions

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 81195577

Application Number  
(if known): 12823394

Filing date: 2010-06-25

First Named  
Inventor: Christopher Paul Glugla

Title: ENGINE CONTROL USING SPARK RESTRIKE/MULTI-STRIKE

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /David S. Bir/

Date 03-03-2011

Name  
(Print/Typed) David S. Bir

Registration Number 38383

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program  
(Not to be Submitted to the USPTO)**

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Christopher Paul Glugla

Serial No.: 12/823,394

Filed: June 25, 2010

For: ENGINE CONTROL USING SPARK RESTRIKE/MULTI-STRIKE

Group Art Unit: 3747

Examiner: Unknown

Attorney Docket No.: 81195577

**STATEMENT SUPPORTING ELIGIBILITY REQUIREMENT OF  
THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Statement of Special Status for the Eligibility Requirement is being filed concurrently with a Petition To Make Special Under the Green Technology Pilot Program (PTO/SB/420), and pursuant to the requirements of 74 Fed. Reg. 64,666 (Dec. 8, 2009), as amended by 75 Fed. Reg. 28, 554 (May 21, 2010) and 75 Fed. Reg. 68049 (Nov. 10, 2010).

Applicant respectfully submits that the above-identified application is eligible for the "Green Technology Pilot Program" as materially contributing to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions.

As explained in the specification, various strategies are used to increase power density and downsize engines, i.e. provide smaller, lighter engines with power equal to or greater than more conventional larger and heavier engines. For example, lean air/fuel ratio operation, and cooled external exhaust gas recirculation (EGR) on boosted (turbocharged or supercharged) engines may be used to increase power density. Typically, these smaller engines operate at

higher loads where pumping losses are reduced to further improve fuel economy. However, combustible mixtures supplied to the engine cylinders with high levels of dilution and lean air/fuel ratios are more difficult to ignite and to achieve complete combustion. In addition, high turbulence and high BMEP combustion conditions may lead to spark blowout. Previous strategies for improving combustion have included increasing ignition energy by using larger spark plug gaps, raising the ignition coil output, and/or sparking multiple times. While these approaches may be suitable for some applications, increased ignition energy and/or unnecessary restriking may lead to premature spark plug wear and gap erosion resulting in associated combustion performance degradation, which may adversely impact fuel efficiency, drivability, and/or feedgas emissions.

Transient events, which may occur in response to a change in driver demand, such as an increase or decrease in accelerator pedal position, and/or in response to changing engine or ambient conditions, such as during engine warm-up, for example, may also lead to operating conditions with a dilute air/fuel charge. In port-injected engine applications, evaporation rate of the fuel puddle in the intake port is affected by differences in intake manifold filling and intake manifold pressure during increases and decreases in accelerator pedal/throttle valve positions, often referred to as tip-ins and tip-outs, respectively. Uncompensated air/fuel control would result in leaner than desired air/fuel ratios during tip-ins, and richer than desired air/fuel ratios during tip-outs. As such, the engine control strategy may increase fuel delivery to the engine for a period of time based on an empirically determined time constant established during engine development for the period of increased torque demand during a tip-in. Similarly, another empirically determined time constant may be applied by the engine control strategy to decrease fuel delivery for a period of time during decreased torque demand during a tip-out. This transient fuel compensation strategy is often performed in open loop fashion and relies on significant development resources related to data collection at various operating conditions for accurate calibration.

The claimed invention includes systems and methods for controlling an internal combustion engine that include determining presence of charge dilution and selecting a spark restrike mode to provide multiple spark events during a single combustion cycle. In one

embodiment, charge dilution is determined based on commanded air/fuel ratio and exhaust gas recirculation. Multiple spark events may be controlled using time-based restrike or current-based restrike in response to one or more operating parameters or conditions, such as accelerator pedal position, throttle position, in-cylinder pressure, engine speed, battery voltage, and ignition coil temperature, for example. In one embodiment, a method for controlling an internal combustion engine includes determining dilution and controlling spark restrike in response to ignition coil current.

The claimed invention includes embodiments that facilitate more accurate control of spark multi-strike or restrike events to maintain combustion quality, meet spark plug and ignition coil durability targets, and reduce parasitic electrical loading, which may have fuel economy benefits. In addition, current based restrike facilitates faster delivery of ignition energy in the event of spark blowout relative to strategies that rely only on time based restrike.

For at least the reasons above, it is respectfully submitted that the claimed invention materially contributes to conservation of energy resources and the reduction of greenhouse gas emissions.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

The publication fee under 37 C.F.R. § 1.18(d) of \$300 has been paid upon filing. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

**CHRISTOPHER PAUL GLUGLA**

By:       /David S. Bir/        
David S. Bir  
Reg. No. 38383  
Attorney for Applicant

Date:       March 3, 2011      

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,394	06/25/2010	Christopher Paul Glugla	81195577	7753
28395 7590 03/15/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER	
			ART UNIT	PAPER NUMBER
			3747	
			MAIL DATE	DELIVERY MODE
			03/15/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

In re Application of	:	
GLUGLA, CHRISTOPHER PAUL et al	:	DECISION ON PETITION
Application No. 12/823,394	:	TO MAKE SPECIAL UNDER
Filed: June 26, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81195577	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 4, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to energy conservation or greenhouse gas reduction. This is not convincing. For example, it is not clear how the claimed computer floppy disk with software instructions will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3747 for action in its regular turn.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Christopher Paul Glugla

Serial No.: 12/823,394

Filed: June 25, 2010

For: ENGINE CONTROL USING SPARK RESTRIKE/MULTI-STRIKE

Group Art Unit: 3747

Examiner: Unknown

Attorney Docket No.: 81195577

**REQUEST FOR RECONSIDERATION OF DECISION ON PETITION  
FOR THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Decision dismissing the Petition To Make Special Under the Green Technology Pilot Program mailed March 15, 2011, Applicant respectfully requests reconsideration and granting of the petition filed concurrently with a statement describing how the materiality standard was met on March 4, 2011.

As discussed with Examiner Yuen, while Applicant does not agree that the computer readable media claims do not satisfy the petition requirement, these claims have been canceled without prejudice to obviate the only deficiency cited in dismissing the petition.

As previously described in the statement submitted with the petition on March 4, 2011, Applicant respectfully submits that the above-identified application is eligible for the "Green Technology Pilot Program" as materially contributing to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions.

As explained in the specification, various strategies are used to increase power density and downsize engines, i.e. provide smaller, lighter engines with power equal to or greater than more conventional larger and heavier engines. For example, lean air/fuel ratio operation, and cooled external exhaust gas recirculation (EGR) on boosted (turbocharged or supercharged) engines may be used to increase power density. Typically, these smaller engines operate at higher loads where pumping losses are reduced to further improve fuel economy. However, combustible mixtures supplied to the engine cylinders with high levels of dilution and lean air/fuel ratios are more difficult to ignite and to achieve complete combustion. In addition, high turbulence and high BMEP combustion conditions may lead to spark blowout. Previous strategies for improving combustion have included increasing ignition energy by using larger spark plug gaps, raising the ignition coil output, and/or sparking multiple times. While these approaches may be suitable for some applications, increased ignition energy and/or unnecessary restriking may lead to premature spark plug wear and gap erosion resulting in associated combustion performance degradation, which may adversely impact fuel efficiency, drivability, and/or feedgas emissions.

Transient events, which may occur in response to a change in driver demand, such as an increase or decrease in accelerator pedal position, and/or in response to changing engine or ambient conditions, such as during engine warm-up, for example, may also lead to operating conditions with a dilute air/fuel charge. In port-injected engine applications, evaporation rate of the fuel puddle in the intake port is affected by differences in intake manifold filling and intake manifold pressure during increases and decreases in accelerator pedal/throttle valve positions, often referred to as tip-ins and tip-outs, respectively. Uncompensated air/fuel control would result in leaner than desired air/fuel ratios during tip-ins, and richer than desired air/fuel ratios during tip-outs. As such, the engine control strategy may increase fuel delivery to the engine for a period of time based on an empirically determined time constant established during engine development for the period of increased torque demand during a tip-in. Similarly, another empirically determined time constant may be applied by the engine control strategy to decrease fuel delivery for a period of time during decreased torque demand during a tip-out. This transient fuel compensation strategy is often performed in open loop fashion and relies on

significant development resources related to data collection at various operating conditions for accurate calibration.

The claimed invention includes systems and methods for controlling an internal combustion engine that include determining presence of charge dilution and selecting a spark restrike mode to provide multiple spark events during a single combustion cycle. In one embodiment, charge dilution is determined based on commanded air/fuel ratio and exhaust gas recirculation. Multiple spark events may be controlled using time-based restrike or current-based restrike in response to one or more operating parameters or conditions, such as accelerator pedal position, throttle position, in-cylinder pressure, engine speed, battery voltage, and ignition coil temperature, for example. In one embodiment, a method for controlling an internal combustion engine includes determining dilution and controlling spark restrike in response to ignition coil current.

The claimed invention includes embodiments that facilitate more accurate control of spark multi-strike or restrike events to maintain combustion quality, meet spark plug and ignition coil durability targets, and reduce parasitic electrical loading, which may have fuel economy benefits. In addition, current based restrike facilitates faster delivery of ignition energy in the event of spark blowout relative to strategies that rely only on time based restrike. As such, the invention claimed in independent claims 1 and 11 is directed to an engine and method of controlling an engine that use multiple spark discharges to improve fuel economy, which materially contributes to the conservation of energy resources. Similarly, the use of spark restrike provides more control of the combustion process to reduce greenhouse gas emissions.

For at least the reasons above, Applicant respectfully requests the Examiner to reconsider the decision and grant the petition to make special under the green technology pilot program.

Respectfully submitted,

**CHRISTOPHER PAUL GLUGLA**

By: /David S. Bir/  
David S. Bir  
Reg. No. 38383  
Attorney for Applicant

Date: April 1, 2011

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,394	06/25/2010	Christopher Paul Glugla	81195577	7753
28395 7590 04/21/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER	
			ART UNIT	PAPER NUMBER
			3747	
			MAIL DATE	DELIVERY MODE
			04/21/2011	PAPER

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22ND FLOOR  
SOUTHFIELD MI 48075-1238

In re Application of	:	
GLUGLA, CHRISTOPHER PAUL et al	:	DECISION ON PETITION
Application No. 12/823,394	:	TO MAKE SPECIAL UNDER
Filed: June 26, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81195577	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed April 4, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is granted.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



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KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER, EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

**MAILED**  
**AUG 15 2011**  
**OFFICE OF PETITIONS**

In re Application of

**Santos SOTO**, et al.

Application No. 12/823,405

Filed: June 25, 2010

Attorney Docket No. **92440-788078 (000110US)**

DECISION ON PETITION TO  
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 1, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by William J. Delay on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the first named signing inventor at the address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions

cc: **SANTOS SOTO**  
**THE JUNGLE U, LLC**  
**729 DOUGLASS STREET**  
**SAN FRANCISCO, CA 94114-3150**





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JOHN ALUMIT  
16830 VENTURA BLVD. SUITE 360  
ENCINO CA 91436

**MAILED**

**JAN 24 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Gomez Ortigoza, et al. :  
Application No. 12/823,413 : DECISION  
Filed/Deposited: 25 June, 2010 :  
Attorney Docket No. 23337-002 :

This is a decision on the petition filed on 16 August, 2010, seeking to have accorded a filing date of 25 June, 2010, for the above-identified application based upon a showing that the omitted drawing/figures were present in the prior-filed application to which this application claimed benefit (pursuant to 37 C.F.R. §1.78 and/or §1.55) on deposit.

The petition is **DISMISSED**.

The instant application was deposited on 25 June, 2010.

On 20 July, 2010, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing date because it had been deposited without drawings as required under 35 U.S.C. §113 (first sentence).

The Office indicated that Petitioner could:

- demonstrate on petition the presence of the drawings/figures by presentation of evidence of deposit (e.g., date-stamped receipt card, EFS Acknowledgement Receipt); or
- submit the drawings/figures and accept the date of submission as the filing date.

The Office gave Petitioner two (2) months within which to reply.

On 16 August, 2010, Petitioner filed, *inter alia*, filed a petition pursuant to 37 C.F.R. §1.57, seeking a filing date of 25 June, 2010, for the application.

Application No. 12/823,413

*Petitioner appears to have filed drawings and amendment under the rule—any determination as to that amendment will be made by the Examiner.*

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method/process/composition claim. MPEP §601.01(f) provides that:

It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. §113 (first sentence). The same practice has been followed in composition applications.

Thus, pursuant to §601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application.

The express incorporation by reference entitled Petitioner to file an amendment under 37 C.F.R. §1.57(b) to add the subject matter of the non-provisional application into the disclosure of this application. Please note that no petition is required for that purpose, but that an amendment must be filed, and that the amendment must comply with 37 C.F.R. §1.57(b) and 37 C.F.R. §1.121 (See: MPEP §201.06(c)(IV).)

The Petition fee is waived and will be refunded *via* credit card. Should Petitioner later find that a petition fee was not refunded, Petitioner should request a refund from the Office of Finance and enclose therewith a copy of this decision.

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing (OPAP) for:

- **correction of the filing date to 25 June, 2010;**
- **indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **issuance of a filing receipt.**

Application No. 12/823,413

Telephone inquiries concerning this matter should be directed to John J Gillon, Jr., attorney, at (571) 272-3214. Inquiries regarding initial patent application processing should be directed to OPAP at (703) 308-9210.



Chris Bottorff  
Supervisory Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
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KILPATRICK TOWNSEND & STOCKTON LLP  
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SAN FRANCISCO, CA 94111-3834

**MAILED**

**AUG 15 2011**

**OFFICE OF PETITIONS**

In re Application of

**Santos SOTO**, et al.

Application No. 12/823,416

Filed: June 25, 2010

Attorney Docket No. **92440-788079 (000310US)**

DECISION ON PETITION TO  
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 1, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by William J. Delay on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the first named signing inventor at the address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions

cc: **SANTOS SOTO**  
**THE JUNGLE U, LLC**  
**729 DOUGLASS STREET**  
**SAN FRANCISCO, CA 94114-3150**



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**NORRIS MCLAUGHLIN & MARCUS, P.A.**  
**721 ROUTE 202-206**  
**P.O.BOX 5933**  
**BRIDGEWATER NJ 08807-5933**

**MAILED**

**AUG 02 2010**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
James D. Ralph, et al.	:	
Application No. 12/823,427	:	<b>DECISION ON PETITION</b>
Filed: June 25, 2010	:	<b>TO MAKE SPECIAL UNDER</b>
Attorney Docket No. 104084-017 Cont.	:	<b>37 CFR 1.102(c)(1)</b>
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 16, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the attorney of record declaring that he is in possession of such evidence, and will retain such in the application file record, showing that the inventor, Thomas Nelson Troxell is 65 years of age, or more. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3775 for action on the merits commensurate with this decision.

Terri Johnson  
Petitions Examiner  
Office of Petitions

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (05-10)

Approved for use through 05/31/2010. OMB 0651-0062

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Attorney Docket Number:	FAD 3.0-001	Application Number (if known):	12/823,433- Conf. #5973	Filing date:	June 25, 2010
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First Named Inventor: Frank A. DiTommaso

Title: METHOD OF MAKING PURE SALT FROM FRAC-WATER/WASTEWATER

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims

6. Other attachments: Statements in Support of Petition

Signature	/Kelly Y. Hwang/	Date	August 31, 2010
Name (Print/Typed)	Kelly Y. Hwang	Registration Number	51,831
<b>Note:</b> Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms if more than one signature, see below".			
<input type="checkbox"/> *Total of <u>1</u> forms are submitted.			

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: August 31, 2010

Electronic Signature for Kelly Y. Hwang: /Kelly Y. Hwang/

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: August 31, 2010  
Electronic Signature for Kelly Y. Hwang: /Kelly Y. Hwang/

Docket No.: FAD 3.0-001  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
DiTommaso et al.

Application No.: 12/823,433

Confirmation No.: 7848

Filed: June 25, 2010

Art Unit: 3676

For: METHOD OF MAKING PURE SALT FROM  
FRAC-WATER/WASTEWATER

Examiner: Not Yet  
Assigned

**STATEMENTS IN SUPPORT OF PETITION TO MAKE SPECIAL  
UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith is a Petition to Make Special under the Green Technology Pilot Program in the above-identified patent application.

Applicant respectfully submits that the basis for the request for special status in the Petition to Make Special for the subject application is that the invention of the subject application materially contributes to (1) the more efficient utilization and conservation of energy resources by providing environmentally friendly solutions to natural gas exploration by producing purified water which can safely return to the environment and by generating high purified salt and other high quality commercial products; and (2) the reduction of greenhouse gas emission by using on-site mobile treatment plant to reduce the amount of pollution created by trucking flowback water/brine water to an off-site plant.

Application No.: 12/823,433

Docket No.: FAD 3.0-001

Accordingly, applicant requests that the Petition to Make Special be granted and the application undergo accelerated examination.

The Director is hereby authorized to charge the publication fee of \$300.00 as set forth in 37 CFR 1.18(d) and any deficiency in the fees which should have been filed herewith. If any additional fees are required by the present Communication, the Examiner is hereby authorized to charge them to our Deposit Account No. 12-1095.

Dated: August 31, 2010

Respectfully submitted,  
Electronic signature: /Kelly Y.  
Hwang/

Kelly Y. Hwang

Registration No.: 51,831  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicant

1236094\_1.doc





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,433	06/25/2010	Frank A. DiTommaso	FAD 3.0-001	7848
530 7590 03/15/2011 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER NGUYEN, NGOC YEN M	
			ART UNIT 1734	PAPER NUMBER
			MAIL DATE 03/15/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
600 SOUTH AVENUE WEST  
WESTFIELD NJ 07090

3/13/2011

In re Application of	:	
Ditommaso et al.	:	DECISION ON PETITION
Application No. 12/823,433	:	TO MAKE SPECIAL UNDER
Filed: 6/25/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. <b>FAD 3.0-001</b>	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 8/31/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1734 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

**Merchant & Gould-Cox  
P.O. Box 2903  
Minneapolis, Minnesota 55042**

**MAILED**

**APR 14 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Kristen DEUEL et al. : DECISION DISMISSING PETITION  
Application No. 12/823,461 : UNDER 37 CFR 1.47  
Filed: 25 June 2010 :  
Atty. Docket No.: 60136.0068USU1 :

This is in response to the petition under 37 CFR 1.47, filed 7 January 2011.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47 requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (1) and (2).

As to item (1), rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings, and oath or declaration). There is no indication herein that joint inventors T. Parker and E. Kingston were presented with a copy of the complete application papers for this application. From the evidence of record, it only appears that the joint inventors were presented with a oath/declaration and assignment. If the joint inventors were not presented with a copy of the application papers for this application, then the joint inventors could not attest that they have "reviewed and understand the application papers" and could not execute the declaration they were requested to sign. Did the joint inventors receive a copy of the application papers? The fact that an application may contain proprietary information does not relieve the rule 47

applicant of the responsibility to present the application papers to the joint inventors if the inventors are willing to receive the papers in order to sign the oath or declaration. Unless petitioner can show that a copy of the application papers was presented to the joint inventors, then petitioner will have to mail a copy of the complete application papers (specification, claims and drawings) to the last known address of the joint inventors, return receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. **The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc. See MPEP 409.03(d).**

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration **by the party to whom the refusal was made**. Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

As to item (2) above, the declaration lacks compliance with 37 CFR 1.63(a)(2) in that the declaration does not list all the named inventors. Petitioner's attention is directed to MPEP Section 602, which states:

“Where joint inventors execute separate oaths or declarations, each oath or declaration should make reference to the fact that the affiant is a joint inventor together with each of the other joint inventors indicating them by name. This may be done by stating that he or she does verily believe himself or herself to be the original, first and joint inventor together with ‘A’ or ‘A & B, etc.’.

Accordingly, a new declaration which lists all the inventors and is signed by all the signing inventor(s) and leaving the signature block of the non-signing inventor blank is required. *See also* MPEP sections 201.03 and 409.03(a).


Further correspondence with respect to this matter should be addressed as follows:

By Mail:                Mail Stop PETITION  
                              Commissioner for Patents  
                              P. O. Box 1450  
                              Alexandria, VA 22313-1450

By hand:                U. S. Patent and Trademark Office  
                              Customer Service Window, Mail Stop Petitions  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

General inquiries relating to this decision should be directed to Robert DeWitty (571-272-8427).

  
David Bucci  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450

**Merchant & Gould-Cox  
P.O. Box 2903  
Minneapolis, Minnesota 55042**

**MAILED  
OCT 06 2011  
OFFICE OF PETITIONS**

In re Application of :  
Kristen DEUEL et al. : ON PETITION  
Application No. 12/823,461 :  
Filed: 25 June 2010 :  
Atty. Docket No.: 60136.0068USU1 :

This is in response to the petition under 37 CFR 1.47, filed June 14, 2011.

The petition is **GRANTED**.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

Petitioner has shown that the non-signing inventors Tim Parker and Eric Kingston cannot be reached or refuse to sign the oath or declaration after having been presented with the application papers. The application and papers have been received and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 47 status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in that petition. Notice of the filing of this application will be published in the Official Gazette.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).



Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office  
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Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries relating to this decision should be directed to Robert DeWitty,  
Petitions Attorney, Office of Petitions (571-272-8427).

  
for Anthony Knight  
Director  
Office of Petitions



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**BRINKS HOFER GILSON & LIONE**  
**P.O. BOX 10395**  
**CHICAGO IL 60610**

**MAILED**

**AUG 01 2011**

**OFFICE OF PETITIONS**

In re Application of  
Avi Livnat, et al.  
Application No. 12/823,507  
Filed: June 25, 2010  
Attorney Docket No. 13065-7

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed June 14, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.



Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **LAZARO SALOMON AZAR  
RAFAEL DEVELOPMENT CORPORATION, LTD.  
3 AZRIELI CENTER  
TRIANGLE TOWER, 42<sup>ND</sup> FLOOR  
AVIV 67023  
ISRAEL**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Peter JAMES )  
Confirmation No.: 8049 )  
Serial No.: 12/823,525 )  
Filing Date: June 25, 2010 )  
Atty Docket No.: 243250-1 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,  
General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: December 16, 2010

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

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## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 243250-1	Application Number (if known): 12/823,525	Filing date: June 25, 2010
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First Named Inventor: Peter JAMES

Title: SYSTEM AND METHOD FOR WIND TURBINE INSPECTION

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/

Date

Name Douglas D. Zhang  
(Print/Typed)

Registration Number 37,985

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,525	06/25/2010	Peter James Fritz	243250/GEC-109	8049

87853 7590 01/12/2011  
Dority & Manning, PA and General Electric Company  
Post Office Box 1449  
Greenville, SC 29602

EXAMINER
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ART UNIT	PAPER NUMBER
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2856

MAIL DATE	DELIVERY MODE
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01/12/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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Dority & Manning, PA and General Electric Company  
Post Office Box 1449  
Greenville SC 29602

In re Application of	:	
Peter James FRITZ	:	DECISION ON PETITION
Application No. 12/823,525	:	TO MAKE SPECIAL UNDER
Filed: June 25, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 243250/GEC-109	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on December 17, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

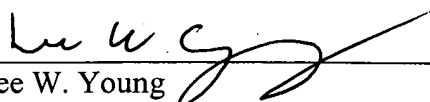


The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2856 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

# PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **238249-1** Application Number (if known): **12/823534** Filing date: **25 June 2010**

First Named Inventor: **Yogen Viswash UTTURKAR**

Title: **HEAT TRANSFER SYSTEM FOR A LIGHT EMITTING DIODE (LED) LAMP**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning Basis for Special Status

Signature **/ptd47323/**

Date **08 June 2011**

Name (Print/Typed) **Peter T. DiMauro**

Registration Number **47,323**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,534	06/25/2010	Yogen Vishwas Utturkar	238249-1	8065
6147 7590 06/21/2011 GENERAL ELECTRIC COMPANY GLOBAL RESEARCH ONE RESEARCH CIRCLE BLDG. K1-3A59 NISKAYUNA, NY 12309			EXAMINER ZETTL, MARY E	
			ART UNIT 2875	PAPER NUMBER
			NOTIFICATION DATE 06/21/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ldocket@crd.ge.com  
rosssr@ge.com  
wahld@ge.com



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P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

GENERAL ELECTRIC COMPANY  
GLOBAL RESEARCH  
ONE RESEARCH CIRCLE  
BLDG. K1-3A59  
NISKAYUNA NY 12309

In re Application of	:	
UTTURKAR et al.	:	DECISION ON PETITION
Application No. 12/823,534	:	TO MAKE SPECIAL UNDER
Filed: June 25, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 238249-1	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on June 08, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

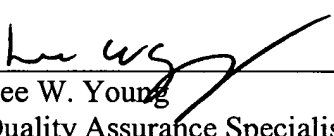
The petition lacks item 1.

In regard to item 1, the instant application currently contains more than 3 independent claims.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2875 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Robert Andrew DIXON )  
Confirmation No.: 8125 )  
Serial No.: 12/823,562 )  
Filing Date: June 25, 2010 )  
Atty Docket No.: 243047-1 )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the development of renewable energy resources or energy conservation.

The undersigned attorney may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Douglas D. Zhang/  
Douglas D. Zhang  
Reg. No. 37,985

Dated: December 15, 2010

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6755



Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 243047-1

Application Number  
(if known): 12/823,562

Filing date: June 25, 2010

First Named  
Inventor: Robert Andrew DIXON

Title: WIND TURBINE BLADES WITH IMPROVED BOND LINE

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature /Douglas D. Zhang/

Date December 21, 2010

Name Douglas D. Zhang  
(Print/Typed)

Registration Number 37,985

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,562	06/25/2010	Robert Andrew Dixon	243037/GEC-136	8125
87853	7590	01/04/2011	EXAMINER	
Dority & Manning, PA and General Electric Company Post Office Box 1449 Greenville, SC 29602			ART UNIT	PAPER NUMBER
			3745	
			MAIL DATE	DELIVERY MODE
			01/04/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Dority & Manning, PA and General Electric Company  
Post Office Box 1449  
Greenville SC 29602

In re Application of	:	
DIXON, ROBERT ANDREW0	:	DECISION ON PETITION
Application No. 12/823,562	:	TO MAKE SPECIAL UNDER
Filed: June 25, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 243037/GEC-136	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Dec. 22, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Henry C. Yuen/

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Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



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**BLAKELY SOKOLOFF TAYLOR &  
ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE CA 94085-4040**

**MAILED  
JAN 26 2012  
OFFICE OF PETITIONS**

In re Application of  
**MURAYAMA, Masayoshi**  
Application No.: 12/823,632  
Attorney Docket No.: 6639P977  
For: HOST COMPUTER, COMPUTER  
TERMINAL, AND CARD ACCESS METHOD

: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a).102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 27, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;


2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.



Thurman K. Page  
Petitions Examiner  
Office of Petitions

Doc Code: PPH.PET.652

Document Description: Petition to make special under Patent Prosecution Highway  
Hwy

PTO/SB/20CN (06-11)

Approved for use through 01/31/2012. OMB 0651-0058  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM  
BETWEEN THE STATE INTELLECTUAL PROPERTY OFFICE OF THE P.R.C. (SIPO) AND THE USPTO**

Application No.:	12/823,645	Filing Date:	June 25, 2010
First Named Inventor:	YI, Zhiquan		
Attorney Docket No.:	HW706469		

Title of the  
Invention: **Call Control Method, Communication System, and Relevant Devices**

**THIS REQUEST FOR PARTICIPATION IN THE PPH pilot program along with the required documents must be submitted via EFS-Web. Information regarding EFS-Web is available at [http://www.uspto.gov/EBC/efs\\_help.html](http://www.uspto.gov/EBC/efs_help.html).**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PILOT PROGRAM.**

The above-identified application (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding CN application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim.

The CN/PCT application number(s) is/are: **200810009165.X**

The filing date of the CN/  
PCT application(s) is/are: **February 02, 2008**

**I. List of Required Documents:**

- a. A copy of all SIPO office actions which are relevant to patentability in the above-identified CN application(s)

☒ Is attached.

- b. A copy of all claims which were determined to be patentable by the SIPO in the above-identified CN application(s)

☒ Is attached.

- c. English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached (if the documents are not in the English language).

- d. (1) An information disclosure statement listing the documents cited in the SIPO office actions

☐ Is attached.

☐ Has already been filed in the above-identified U.S. application on N/A

- (2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☐ Are attached.

☐ Have already been filed in the above-identified U.S. application on N/A

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.



**REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM  
BETWEEN THE STATE INTELLECTUAL PROPERTY OFFICE OF THE P.R.C. (SIPO) AND THE USPTO**  
(continued)


Application No.: 12/823,645

First Named Inventor: Yi, Zhiquan

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in CN Application	Explanation regarding the correspondence
1	1	substantially the same
2	2	substantially the same
3	5	substantially the same
4	6	substantially the same
5	7	substantially the same
6	8	substantially the same
7	9	substantially the same
11	11	substantially the same
13	12	substantially the same
14	13	substantially the same
15	14	substantially the same
16	15	substantially the same

**III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the CN application.**

Signature 	Date March 29, 2012
Name (Print/Typed) John B. Conklin	Registration Number 30,369

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Doc Code: PPH.PET.652

Document Description: Petition to make special under Patent Prosecution Highway  
Hwy

PTO/SB/20CN (06-11)

Approved for use through 01/31/2012. OMB 0651-0058  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM  
BETWEEN THE STATE INTELLECTUAL PROPERTY OFFICE OF THE P.R.C. (SIPO) AND THE USPTO**

Application No.:	12/823,645	Filing Date:	June 25, 2010
First Named Inventor:	YI, Zhiquan		
Attorney Docket No.:	HW706469		

Title of the  
Invention: **Call Control Method, Communication System, and Relevant Devices**

**THIS REQUEST FOR PARTICIPATION IN THE PPH pilot program along with the required documents must be submitted via EFS-Web. Information regarding EFS-Web is available at [http://www.uspto.gov/EBC/efs\\_help.html](http://www.uspto.gov/EBC/efs_help.html).**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PPH PILOT PROGRAM.**

The above-identified application (1) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more corresponding CN application(s) or to a PCT application that does not contain any priority claim, or (2) is a national stage entry of a PCT application that does not contain any priority claim.

The CN/PCT application number(s) is/are: **200810009165.X**

The filing date of the CN/  
PCT application(s) is/are: **February 02, 2008**

**I. List of Required Documents:**

- a. A copy of all SIPO office actions which are relevant to patentability in the above-identified CN application(s)

☒ Is attached.

- b. A copy of all claims which were determined to be patentable by the SIPO in the above-identified CN application(s)

☒ Is attached.

- c. English translations of the documents in a. and b. above along with a statement that the English translations are accurate are attached (if the documents are not in the English language).

- d. (1) An information disclosure statement listing the documents cited in the SIPO office actions

☐ Is attached.

☐ Has already been filed in the above-identified U.S. application on N/A

- (2) Copies of all documents (except for U.S. patents or U.S. patent application publications)

☐ Are attached.

☐ Have already been filed in the above-identified U.S. application on N/A

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

**REQUEST FOR PARTICIPATION IN THE PATENT PROSECUTION HIGHWAY (PPH) PILOT PROGRAM  
BETWEEN THE STATE INTELLECTUAL PROPERTY OFFICE OF THE P.R.C. (SIPO) AND THE USPTO**  
(continued)


Application No.: 12/823,645

First Named Inventor: Yi, Zhiquan

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in CN Application	Explanation regarding the correspondence
1	1	substantially the same
2	2	substantially the same
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14	13	substantially the same
15	14	substantially the same
16	15	substantially the same

**III. All the claims in the US application sufficiently correspond to the patentable/allowable claims in the CN application.**

Signature 	Date March 29, 2012
Name (Print/Typed) John B. Conklin	Registration Number 30,369

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

Leydig, Voit & Mayer, Ltd  
(for Huawei Technologies Co., Ltd)  
Two Prudential Plaza Suite 4900  
180 North Stetson Avenue  
Chicago IL 60601

**MAILED**  
APR 06 2012  
**OFFICE OF PETITIONS**

In re Application of : DECISION ON REQUEST TO  
Zhiquan YI et al. : PARTICIPATE IN PPH PROGRAM  
Application No. 12/823,645 : AND PETITION TO MAKE SPECIAL  
Filed: June 25, 2010 : UNDER 37 CFR 1.102(a)  
Atty. Docket No.: HW706469 :  
For: CALL CONTROL METHOD, COMMUNICATION SYSTEM, AND RELEVANT  
DEVICES

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 29, 2012 to make the above-identified application special.

The petition and request are **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

(1) the U.S. application is a Paris Convention application which either validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the SIPO (State Intellectual Property Office of the P.R.C.) or claims priority to a PCT application that contains no priority claims. Alternatively, it can be a national stage application under the PCT which validly claims priority to an application filed in the SIPO or claims priority to a PCT application that contains no priority claims. It can also be a "bypass application" filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application validly claims priority to an application filed in the SIPO or claims priority to a PCT application that contains no priority claims, or contains no priority claim;

(2) applicant must submit a copy of the allowable/patentable claim(s) from the SIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;

(3) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the SIPO application(s);

(4) examination of the U.S. application has not begun;

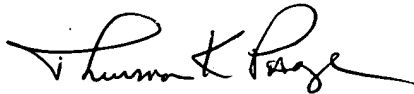
(5) applicant must submit a copy of all the office actions from each of the SIPO application(s) containing the allowability/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) applicant must submit an IDS listing the documents cited by the SIPO examiner in the SIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427). All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to Technology Center Art Unit 2473 for action commensurate with this decision.



David Bucci  
Petitions Examiner  
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>	
Application Number	12823654	
Filing Date	25-Jun-2010	
First Named Inventor	Christel MENET	
Art Unit	1624	
Examiner Name	KAHSAY HABTE	
Attorney Docket Number	3049-1-054N	
Title	NOVEL COMPOUND USEFUL FOR THE TREATMENT OF DEGENERATIVE AND INFLAMMATORY DISEASES	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		



- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/David A. Jackson/
Name	David A. Jackson
Registration Number	26742



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : August 1, 2011

In re Application of :

Christel MENET

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12823654

Filed : 25-Jun-2010

Attorney Docket No : 3049-1-054N

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed August 1, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 1624 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,684	06/25/2010	Junji Kurihara	8073P975	8361

7590 09/03/2011  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

EXAMINER
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BARRON JR, GILBERTO

ART UNIT	PAPER NUMBER
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2432

MAIL DATE	DELIVERY MODE
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09/03/2011

PAPER

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

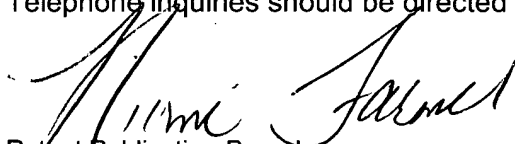
*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,690	06/25/2010	Takao YAZAKI	362015US8TK	8375
22850	7590	06/17/2011		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER FORTUNA, JOSE A	
			ART UNIT 1741	PAPER NUMBER
			NOTIFICATION DATE 06/17/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JUN 17 2011

BC

In re application of	:	DECISION ON REQUEST TO
Ekishu Nagae et al.	:	PARTICIPATE IN PATENT
Serial No. 12/823,690	:	PROSECUTION HIGHWAY
Filed: 06/25/2010	:	PROGRAM AND
For: Papermaking Press Felt and	:	PETITION TO MAKE SPECIAL
Papermaking Method	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed April 25, 2011.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:

Application No. 12/823,690

- i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
  - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
- Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition fail because:

(6) a. The IDS did not list all documents cited by the JPO examiner in the JPO office action. Specifically, cited reference JP 2009-127135 A is missing from the IDS. Applicant also needs to submit copies of this document.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS). Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Blaine Copenheaver/

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Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



# UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,690	06/25/2010	Takao YAZAKI	362015US8TK	8375
22850	7590	08/03/2011		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER FORTUNA, JOSE A	
			ART UNIT 1741	PAPER NUMBER
			NOTIFICATION DATE 08/03/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com



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August 2, 2011

BC

In re application of	:	DECISION ON REQUEST TO
Ekishu Nagae et al.	:	PARTICIPATE IN PATENT
Serial No. 12/823,690	:	PROSECUTION HIGHWAY
Filed: 06/25/2010	:	PROGRAM AND
For: Papermaking Press Felt and	:	PETITION TO MAKE SPECIAL
Papermaking Method	:	UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed July 18, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:



Application No. 12/823,690

- i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
  - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
- Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
- (6) Applicant must submit:
- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Blaine Copenheaver/

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Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



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**APR 04 2011**

**DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600**

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE CA 94085-4040

In re Application of	:	
MIYAZAWA, AKIRA	:	DECISION ON REQUEST TO
Application No. 12/823695	:	PARTICIPATE IN PATENT
Filed: 06/25/2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 8073P974	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 2, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Daniel Swerdlow at 571-272-7531.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/ Daniel Swerdlow /

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Daniel Swerdlow  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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**MAY 02 2011**

**DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600**

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE CA 94085-4040

In re Application of	:	
MIYAZAWA, AKIRA	:	DECISION ON REQUEST TO
Application No. 12/823,707	:	PARTICIPATE IN PATENT
Filed: June 25, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 8073P973	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 8, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

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Kenneth Wieder  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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## BIB DATA SHEET

CONFIRMATION NO. 8429

<b>SERIAL NUMBER</b> 12/823,711	<b>FILING or 371(c) DATE</b> 06/25/2010 <b>RULE</b>	<b>CLASS</b> 435	<b>GROUP ART UNIT</b> 1634	<b>ATTORNEY DOCKET NO.</b> 3748/0198PUS1	
<b>APPLICANTS</b> Po-Ling CHANG, Xinzhuang City, TAIWAN; Yu-Sun CHANG, Linkou Shiang, TAIWAN; Shu-Jen CHEN, Taipei City, TAIWAN; Hua-Chien CHEN, Taipei City, TAIWAN; <b>** CONTINUING DATA *****</b> <b>** FOREIGN APPLICATIONS *****</b> TAIWAN 98145130 12/25/2009 <b>** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY **</b> 07/09/2010					
Foreign Priority claimed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 35 USC 119(a-d) conditions met <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Verified and /FRANK WEI MIN LU/ Acknowledged Examiner's Signature		<input type="checkbox"/> Met after Allowance <b>STATE OR COUNTRY</b> TAIWAN	<b>SHEETS DRAWINGS</b> 5	<b>TOTAL CLAIMS</b> 19	<b>INDEPENDENT CLAIMS</b> 1
<b>ADDRESS</b> Muncy, Geissler, Olds & Lowe, PLLC 4000 Legato Road Suite 310 FAIRFAX, VA 22033 UNITED STATES					
<b>TITLE</b> METHOD FOR DETECTING MULTIPLE SMALL NUCLEIC ACIDS					
<b>FILING FEE RECEIVED</b> 462	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		



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Paper No.

Sunstein Kann Murphy &  
Timbers LLP  
125 SUMMER STREET  
BOSTON MA 02110-1618

**MAILED**

**DEC 07 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Geoffrey Barrall, Julian Terry: DECISION ACCORDING STATUS  
and Mark Herbert : UNDER 37 C.F.R. § 1.47(a)  
Application No. 12/823,732 :  
Filed: June 25, 2010 :  
Attorney Docket No. 2950/115 :

This is a decision on the PETITION UNDER RULE 1.47(a) filed November 10, 2010.

The petition is **GRANTED**.

The above-identified application was filed on June 25, 2010, with an unexecuted declaration. On July 7, 2010, the Office mailed a "Notice to File Missing Parts of Application," requiring, *inter alia*, the missing declaration and the surcharge for its late filing. This Notice set a two-month time limit for reply with extensions of time obtainable under § 1.136(a).


In response, applicants filed the missing declaration, late surcharge and the instant petition and petition fee (and the missing filing fees, replacement drawings and additional claim fees). To make this response timely, applicants submitted an extension of time within the third month. The petition includes a declaration executed by inventors Terry and Herbert on behalf of themselves and on behalf of non-signing inventor Barrall. Applicants assert that status under 1.47(a) is proper because joint inventor Barrall refuses to join in the application. By statement of facts of patent practitioner Jakobsche, with supporting documentary evidence, applicants have shown that inventor Barrall has expressly refused to join in the application after having been presented with the application papers.

The declaration filed November 10, 2010, has been reviewed and found in compliance with § 1.63. The petition includes payment of the petition fee of \$200 and a statement of the last known address of inventor Barrall.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions





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P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

GEOFFREY BARRALL  
4962 Minas Drive  
San Jose CA 95054

**MAILED**  
**DEC 07 2010**  
**OFFICE OF PETITIONS**

In re Application of :  
Geoffrey Barrall, Julian Terry:  
and Mark Herbert : LETTER  
Application No. 12/823,732 :  
Filed: June 25, 2010 :  
Attorney Docket No. 2950/115 :

Dear Mr. Barrall:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.


As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63. However, no action on your part is required for this patent to issue with you as a named inventor.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (571) 272-3219. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be

Application No. 12/823,732

Page 2

directed to the Certification Division at (571) 272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with the first name "Nancy" being more prominent than the last name "Johnson".

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Sunstein Kann Murphy &  
Timbers LLP  
125 SUMMER STREET  
BOSTON MA 02110-1618

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12823752	Filing date:	2010-06-25
First Named Inventor:	Karl Scheibengraber		
Title of the Invention:	Variable Color Incoherent Alignment Line and Cross-Hair Generator		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/041056

The international filing date of the corresponding PCT application(s) is/are: 06 July 2010

## I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☒

Is attached

☐

Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

(continued)

Application No.:	12823752
First Named Inventor:	Karl Scheibengraber

- ☐ WO/ISA, WO  
is attached

☐ Has already been filed in the above-identified U.S. application on 11/5/2010 and 1/28/2011

- ☐ Are attached.

Have already been filed in the above-identified U.S. application on 11/5/2010 and 1/28/2011

[illegible]

Signature <b>/Benjamin R. Imhoff/</b>	Date <b>2011-06-03</b>
Name (Print/Typed) <b>Benjamin R. Imhoff</b>	Registration Number <b>60036</b>

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

# PCT

To:  
Imhoff, Benjamin R.  
ANDRUS, SCEALES, STARKE & SAWALL, LLP  
100 East Wisconsin Ave., Suite 1100  
Milwaukee, WI 53202  
ETATS-UNIS D'AMERIQUE

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing (day/month/year)		19 January 2011 (19-01-2011)
Applicant's or agent's file reference 229-00031	<b>FOR FURTHER ACTION</b> See paragraphs 1 and 4 below	
International application No. PCT/US2010/041056	International filing date (day/month/year) 6 July 2010 (06-07-2010)	
Applicant Gammex, Inc.		

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

## Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70

For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 - 9.011.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

## 4. Reminders

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before completion of the technical preparations for international publication (Rules 90*bis*.1 and 90*bis*.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk  
Tel. (+31-70) 340-2040  
Fax: (+31-70) 340-3016

Authorized officer

ACQUAVIVA, Laure  
Tel: +49 (0)89 2399-5656

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference  229-00031	<b>FOR FURTHER ACTION</b>  see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No.  PCT/US2010/041056	International filing date ( <i>day/month/year</i> )  06/07/2010	(Earliest) Priority Date ( <i>day/month/year</i> )  07/06/2009
Applicant  Gammex, Inc.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 6 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

### 1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6**bis**(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☒ **Unity of invention is lacking** (see Box No III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant  
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant  
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 4  
☐ as suggested by the applicant  
☒ as selected by this Authority, because the applicant failed to suggest a figure  
☐ as selected by this Authority, because this figure better characterizes the invention  
b. ☐ none of the figures is to be published with the abstract

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US2010/041056

## Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
  
2. ☐ Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
  
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
  
2. ☐ As all searchable claims could be searched without effort justifying an additional fees, this Authority did not invite payment of additional fees.
  
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
  
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

1-4, 10-25

### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- ☐ No protest accompanied the payment of additional search fees.

## INTERNATIONAL SEARCH REPORT

International application No

PCT/US2010/041056

## A. CLASSIFICATION OF SUBJECT MATTER

INV. A61B6/08 G08B13/18  
 ADD. A61N5/10

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

A61B G08B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A	US 5 038 260 A (SCHEIBENGRABER KARL J [US]) 6 August 1991 (1991-08-06) column 3; figure 1	1,2 3,4, 10-25
A	----- US 2008/013088 A1 (HESSERT ROLAND [DE] ET AL) 17 January 2008 (2008-01-17) paragraph [0014]	3,4,10, 17
A	----- US 4 385 397 A (VERRO PIERO) 24 May 1983 (1983-05-24) column 3, line 10 - line 15	1-4, 10-25
A	----- US 4 730 895 A (SIEDBAND MELVIN P [US] ET AL) 15 March 1988 (1988-03-15) figure 3	1-4, 10-25
	----- -/--	

☒ Further documents are listed in the continuation of Box C.☒ See patent family annex.

## \* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\* & \* document member of the same patent family

Date of the actual completion of the international search

4 October 2010

Date of mailing of the international search report

19/01/2011

Name and mailing address of the ISA/

European Patent Office, P.B. 5818 Patentlaan 2  
 NL - 2280 HV Rijswijk  
 Tel. (+31-70) 340-2040,  
 Fax: (+31-70) 340-3016

Authorized officer

Anscombe, Marcel



## INTERNATIONAL SEARCH REPORT

International application No

PCT/US2010/041056

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5 095 386 A (SCHEIBENGRABER KARL J [US]) 10 March 1992 (1992-03-10) column 3 - column 4; figure 3 -----	1-4, 10-25
A	US 4 538 289 A (SCHEIBENGRABER KARL J [US]) 27 August 1985 (1985-08-27) figure 5 -----	1-4, 10-25
A	US 4 693 567 A (OZAKI YASUTO [JP]) 15 September 1987 (1987-09-15) figure 1 -----	1-4, 10-25

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2010/041056

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5038260	A	06-08-1991	NONE	
US 2008013088	A1	17-01-2008	CA 2582047 A1 WO 2006042505 A1 DE 102004050428 A1 EP 1802422 A1 ES 2306236 T3	27-04-2006 27-04-2006 20-04-2006 04-07-2007 01-11-2008
US 4385397	A	24-05-1983	EP 0077899 A2 IL 66585 A JP 58094836 A	04-05-1983 31-07-1985 06-06-1983
US 4730895	A	15-03-1988	NONE	
US 5095386	A	10-03-1992	NONE	
US 4538289	A	27-08-1985	DE 3247739 A1 GB 2112172 A JP 59011839 A	07-07-1983 13-07-1983 21-01-1984
US 4693567	A	15-09-1987	CA 1245487 A1 DE 3378381 D1 EP 0102221 A2	29-11-1988 08-12-1988 07-03-1984

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-4, 10-25

An alignment device for use in the alignment of a subject with special technical features relating to producing light of a selected wavelength (claim 3) or selectively producing a plurality of wavelengths (claim 10) or the light source emitting light of a selectively variable wavelength (claim 17).

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2. claim: 5

An alignment device, with potential special technical feature related to adjustable demagnification, solving the problem of controlling the thickness of the alignment line (paragraph [0020]).

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3. claims: 6-9

An alignment device, with potential special technical feature related to a dove or right angle prism disposed within the convergent light beam, solving the problem of avoiding the use of multiple light sources (paragraph [0005])

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# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

# PCT

To:

see form PCT/ISA/220

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2010/041056

International filing date (day/month/year)  
06.07.2010

Priority date (day/month/year)  
07.06.2009

International Patent Classification (IPC) or both national classification and IPC  
INV. A61B6/08 G08B13/18  
ADD. A61N5/10

Applicant  
Gammex, Inc.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0  
Fax: +49 89 2399 - 4465

Date of completion of  
this opinion

see form  
PCT/ISA/210

Authorized Officer

Anscombe, Marcel  
Telephone No. +49 89 2399-2490



WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US2010/041056

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Box No. I Basis of the opinion

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1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
  - a. (means)
    - ☐ on paper
    - ☐ in electronic form
  - b. (time)
    - ☐ in the international application as filed
    - ☐ together with the international application in electronic form
    - ☐ subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US2010/041056

**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of

☐ the entire international application

☒ claims Nos. 5-9

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international search (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):

☒ no international search report has been established for the whole application or for said claims Nos. 5-9

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13~~ter~~.1(a) or (b).

☐ See Supplemental Box for further details

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US2010/041056

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**Box No. IV Lack of unity of invention**

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1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has, within the applicable time limit:
- ☐ paid additional fees
  - ☐ paid additional fees under protest and, where applicable, the protest fee
  - ☐ paid additional fees under protest but the applicable protest fee was not paid
  - ☒ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
  - ☒ not complied with for the following reasons:  
**see separate sheet**
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
  - ☒ the parts relating to claims Nos. 1-4, 10-25

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	<u>1-4, 10-25</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>3, 4, 10-25</u>
	No: Claims	<u>1, 2</u>
Industrial applicability (IA)	Yes: Claims	<u>1-4, 10-25</u>
	No: Claims	

2. Citations and explanations

**see separate sheet**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US2010/041056

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Box No. VIII Certain observations on the international application

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet



The following documents are cited:

D1: US5038260

D2: US2008013088

**Item IV**

- 1 The application lacks unity for the following reasons. There are three groups of inventions.

Group 1, consisting of **claims 1-3, 10-25**, and directed to an alignment device for use in the alignment of a subject with special technical features relating to producing light of a selected wavelength (**claim 3**) or selectively producing a plurality of wavelengths (**claim 10**) or the light source emitting light of a selectively variable wavelength (**claim 17**).

Group 2, consisting of **claim 5**, and directed to an alignment device, with potential special technical feature related to adjustable demagnification, solving the problem of controlling the thickness of the alignment line (paragraph [0020]).

Group 3, consisting of **claims 6-9**, and directed to an alignment device, with potential special technical feature related to a dove or right angle prism disposed within the convergent light beam, solving the problem of avoiding the use of multiple light sources (paragraph [0005]).

- 2 The reasons are as follows.

- 2.1 The closest prior art to the subject-matter of **claim 1, 10 and 17** is document (D1) US5038260 which discloses an alignment device for use in the alignment of a subject, the alignment device comprising an incoherent light source (38), wherein the incoherent light source emits incoherent light (implicit from "filament light source", col. 3, line 29); and comprising a mirror rod (44) (fig. 1), which may be said to act as a steering mirror, wherein the incoherent light beam is directed to and reflected off the mirror rod, wherein the mirror rod demagnifies and diverges the low divergence light beam (col.3, line 28 ); and comprising a convex cylindrical lens (54) that receives the divergent and demagnified light beam from the mirror rod collimates the divergent and demagnified light beam to a convergent light beam directed at the subject (col. 3, lines 41-49).

- 2.2 The difference between the subject-matter of **claim 1** and the device of document (D1) US5038260 is therefore that (i) there is a first convex cylindrical lens which collimates the incoherent light to produce a low divergence beam and that (ii) the second lens focuses.
- 2.3 The difference between the subject-matter of **claim 10** and the device of document (D1) US5038260 is therefore that (i) there is a first convex cylindrical lens which collimates the incoherent light to produce a low divergence beam and that (ii) the second lens focuses and that (iii) the light source is an array, said array selectively producing a plurality of wavelengths.
- 2.4 The difference between the subject-matter of **claim 17** and the device of document (D1) US5038260 is therefore that (i) there is a first convex cylindrical lens, that (ii) the light source emits light of a selectively variable wavelength, that (iii) the first optical system projects a convergent beam at the subject and that (iv) there is a second optical system.
- 2.5 The subject-matter of **claims 1, 10 and 17** is therefore new (Art. 33(1&2) PCT).
- 2.6 The technical effect of the differences over the prior art of **claim 1** is to (i) collimate the light from the source and (ii) provide a focused beam. The problem solved by the first difference (i) is to collect as much light as possible from the light source (paragraph [0018]). Such measures are routine practice in the art to solve the stated problem and does not contribute to an inventive step. The problem solved by the second difference (ii) is to focus an image onto a subject. Such measures are routine in the art to solve the stated problem and does not contribute to an inventive step. The subject-matter of **claim 1** is therefore not inventive (Art. 33(1&2) EPC).
- 2.7 The technical effect of these differences over the prior art of **claim 10** is to (i) collimate the light from the source; (ii) provide an focused beam and (iii) to provide multiple colours of light. The first two difference do not contribute to and inventive step for the same reasons mentioned above. The third difference solves the problem of ensuring that for various skin tones various colours are available which reflect better of those skin tones and thereby provide a better visibility of the alignment mark (paragraph [0068] & [0070]).
- 2.8 The differences (i) and (iii) over the prior art of **claim 17** are not considered to provide and inventive step for the same reasons as given for claim 1 above. The difference (iv) is an obvious solution to the problem of providing a cross-hair alignment image. The difference (ii) solves the problem of ensuring that

for various skin tones various colours are available which reflect better of those skin tones and thereby provide a better visibility of the alignment mark (paragraph [0068] & [0070]).

- 2.9 The special technical feature (iii) (selectively producing a plurality of wavelengths) and (ii) (the light source emits light of a selectively variable wavelength) in **claims 10 and 17** respectively is partly known from document (D2) US2008013088 (paragraph [0014]) in which two different beams may have different colours. Document (D2) US2008013088 however does not disclose that the colours may be varied nor selected and therefore does not disclose the feature "variable wavelength" nor "selectively producing a plurality of wavelengths". The remaining prior art is remoter still. The skilled person would therefore, in considering the prior art, not arrive at the subject-matter of **claims 10 & 17** and therefore the subject-matter of **claim 10 & 17** meets the requirements of inventive step (Art. 33(1&3) PCT).
- 2.10 The additional subject-matter of **claim 2** is, when the term "multi-colour" is interpreted broadly enough, e.g. meaning also having many spectral components or being white light, not inventive over the disclosures of document D1 for the same reasons as given in item above, since a skilled person knows that an incandescent bulb can be described as producing multi-coloured light.
- 2.11 The subject-matter of **claim 3 & 4** complies with Art. 33(1&3) PCT for the same reasons as stated in item 2.9 above.
- 3 The special technical features of the claims are therefore as stated in the listings of the groups above and it can be seen by inspection that they are not the same. From the statement of the problems solved by the special technical features it be seen that the special technical features are not corresponding because the problems solved are different (Rule 13.2 PCT).
- 4 It follows that the requirements of Rule 13.1 PCT are not met and the application lacks unity.

#### Item V

- 1 The subject-matter of **claims 1, 10 and 17** is new (Art. 33(1&2) PCT) (see reasoning in Item IV 2.2 - 2.4 above).

- 2 The skilled person would, in considering the prior art, not arrive at the subject-matter of **claims 10 & 17** and therefore the subject-matter of **claim 10 & 17** meets the requirements of inventive step (Art. 33(1&3) PCT) (see reasoning in Item IV 2.9 above).
- 3 The additional subject-matter of **claim 2** is not inventive over the disclosures of document D1 for the same reasons as given in item Item IV 2.10 above.
- 4 The additional subject-matter of **claim 3** complies with Art. 33(1&3) PCT for the same reasons as stated in Item V 2 above.

#### Item VIII

The application has three device claims in the same device category and this leads to a lack of conciseness and non-compliance with Art. 6 PCT.

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

General information	<p>For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.</p>
Amending claims under Art. 19 PCT	<p>Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.</p>
Filing a demand for international preliminary examination	<p>In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/ WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT).</p> <p>If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).</p>
Filing informal comments	<p>After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.</p>
End of the international phase	<p>At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).</p>
Relevant PCT Rules and more information	<p>Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003</p>

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: )  
)  
KARL SCHEIBENGRABER ET AL )  
)  
Application No.: 12/823,752 )  
)  
Filed: 06/25/2010 )  
)  
Group Art Unit: 2877 )  
)  
VARIABLE COLOR INCOHERENT )  
ALIGNMENT LINE AND CROSS-HAIR )  
GENERATOR )  
)  
Confirmation No.: 8519 )

**Petition to Make Special under PCT-Patent Prosecution Highway**

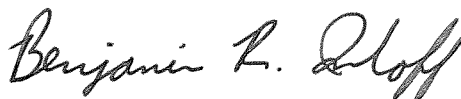
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Claims 3-4 and 10-25 were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application. Claims 5-9 were cancelled as directed to non-elected claims and were not examined.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP



Benjamin R. Imhoff  
Reg. No. 60,036

100 East Wisconsin Avenue, Suite 1100  
Milwaukee, Wisconsin 53202  
Telephone No. (414) 271-7590  
Attorney Docket No.: 229-00026

## PCT CLAIMS

We claim:

1. An alignment device for use in the alignment of a subject, the alignment device comprising of:

an incoherent light source, wherein the incoherent light source emits incoherent light;  
a first convex cylindrical lens that receives the incoherent light and collimates the incoherent light to produce a low divergence light beam;

a mirror rod, wherein the low divergence light beam is directed to and reflected off of the mirror rod, wherein the mirror rod de-magnifies and diverges the low divergence light beam; and

a second convex cylindrical lens that receives the divergent and de-magnified light beam from the mirror rod and focuses the divergent and de-magnified light beam to a convergent light beam directed at the subject.

2. The alignment device of claim 1 wherein the incoherent light source is a multi-color light source.

3. The alignment device of claim 2 further comprising a controller coupled to the incoherent light source, the controller operating the incoherent light source to produce incoherent light of a selected wavelength.

4. The alignment device of claim 3 wherein the wavelength of the incoherent light emitted from the incoherent light source is adjusted to a wavelength of optimal reflectance from the subject.

5. The alignment device of claim 1 wherein the alignment of the first convex cylindrical lens, the mirror rod and the second convex cylindrical lens form an angle theta ( $\theta$ ), and the angle theta is adjusted to control the demagnification of the convergent light beam directed at the subject.

6. The alignment device of claim 1 further comprising a dove or right angle prism disposed within the convergent light beam, the prism splitting the convergent light beam into first and second beam portions that form a cross-hair directed at the subject.

7. The alignment device of claim 6 wherein the prism is a right-angle dove prism and the prism is rotated 45 degrees about its optical axis.

8. The alignment device of claim 6 further comprising a circular mount that retains the prism within the convergent light beam, the circular mount further being adjustable such as to position the prism within the convergent light beam.

9. The alignment device of claim 6 further comprising a steering mirror that reflects the cross-hair, the steering mirror being adjustable such as to direct the cross-hair at the subject.

10. An alignment device for use in the alignment of a subject, the alignment device comprising of:

an array of incoherent light sources, the array selectively producing a plurality of wavelengths of incoherent light;

a first convex cylindrical lens that receives incoherent light from the array and collimates the incoherent light to produce a low divergence light beam;

a mirror rod, wherein the low divergence light beam is directed to and reflected off of the mirror rod, wherein the mirror rod de-magnifies and diverges the low divergence light beam; and

a second convex cylindrical lens that receives the divergent and de-magnified light beam from the mirror rod and focuses the divergent and de-magnified light beam to a convergent light beam directed at the subject.

11. The alignment device of claim 10 wherein the incoherent light sources of the array are multi-colored light emitting diodes (LEDs).

12. The alignment device of claim 10 wherein the array comprises incoherent light sources of at least a first color and a second color.

13. The alignment device of claim 10 further comprising a controller coupled to the array, the controller operating the incoherent light sources of the array to produce the plurality of wavelengths of incoherent light.

14. The alignment device of claim 13 wherein the controller further operates the incoherent light sources of the array at varying intensities.



15. The alignment device of claim 13 further comprising a prism positioned within a path of the convergent light beam, the prism splitting the convergent light beam into first and second beam portions that form a cross-hair directed at the subject.

16. The alignment device of claim 15 further comprising a steering mirror that reflects the cross-hair, the steering mirror being adjustable such as to direct the cross-hair at the subject.

17. An alignment structure projecting an alignment beam on a subject, the alignment structure comprising of:

at least one incoherent light source that emits incoherent light of a selectively variable wavelength;

a first optical system including a first cylindrical lens, a second cylindrical lens, and a first steering mirror, the first optical system receiving incoherent light from the at least one incoherent light source through the first cylindrical lens and projecting a convergent and de-magnified first alignment beam at the subject;

a second optical system including a third cylindrical lens, a fourth cylindrical lens, and a second steering mirror, the second optical system receiving incoherent light from the at least one incoherent light source through the third cylindrical lens and producing a convergent and de-magnified second alignment beam at the subject and orthogonal to the first alignment beam.

18. The alignment structure of claim 17 further comprising of:

a light-tight enclosure, which eliminates stray light, within which the first steering mirror and the second steering mirror are mounted;

wherein the first steering mirror reflects a beam of light from the second cylindrical lens and directs the beam of light out of the structure and the second steering mirror reflects a beam of light from the fourth cylindrical lens and directs the beam of light out of the structure.

19. The alignment structure of claim 18, wherein the at least one incoherent light source is a first incoherent light source array associated with the first optical system and a second incoherent light source array associated with the second optical system.

20. The alignment structure of claim 19, further comprising of:

a first light-tight conduit associated with the first optical system, the first light-tight conduit extending from the second cylindrical lens to the light-tight enclosure, where the mirrors are housed; and

a second light-tight conduit associated with the second optical system, the second light isolation conduit extending from the fourth cylindrical lens to the light-tight enclosure, where the mirrors are housed.

21. The alignment structure of claim 17 further comprising an optional wall bracket allowing rotation of the alignment structure about a vertical axis so as to direct the first alignment beam and the second alignment beam on the subject.

22. The alignment structure of claim 17 wherein the first steering mirror directs its beam toward the center line of the structure instead of immediately out of the structure.

23. The alignment structure of claim 17 wherein the second steering mirror directs its beam toward the center line of the structure instead of immediately out of the structure.

24. The alignment structure of claim 22 wherein a first center line mirror located at the center line of the structure directs the line beam from the first steering mirror out of the structure and on the subject.

25. The alignment structure of claim 22 wherein a second center line mirror located at the center line of the structure directs the line beam from the second steering mirror out of the structure and on the subject.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,752	06/25/2010	Karl Scheibengraber	229-00026	8519
26753	7590	06/13/2011		
ANDRUS, SCEALES, STARKE & SAWALL, LLP 100 EAST WISCONSIN AVENUE, SUITE 1100 MILWAUKEE, WI 53202			EXAMINER VALENTIN, JUAN D	
			ART UNIT 2877	PAPER NUMBER
			MAIL DATE 06/13/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**ANDRUS, SCEALES, STARKE & SAWALL, LLP**  
**100 EAST WISCONSIN AVENUE, SUITE 1100**  
**MILWAUKEE WI 53202**

**In re Application of**  
**SCHEIBENGRABER et al.**  
**Application No.: 12/823,752**  
**Filed: 25 June 2011**  
**Attorney Docket No.: 229-00026**  
**For: VARIABLE COLOR**  
**INCOHERENT ALIGNMENT LINE**  
**AND CROSS-HAIR GENERATOR**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 03 June 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1), (3), and (5-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirements (2) and (4).

Regarding the requirement of condition (2), applicant has failed to identify and explain why the claims are not subject to the observation in Box VIII of the Written Opinion (ISA/237).

Regarding the requirement of condition (4), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the claims that have novelty, inventive step, and industrial applicability in the PCT application. For example, US claim 1 does not correspond to a PCT claim having novelty, inventive step, and industrial applicability. PCT claim 1 was held to lack inventive step.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.



Lee W. Young  
TQAS Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12823752	Filing date:	2010-06-25
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First Named Inventor:	Karl Scheibengraber
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Title of the Invention:	Variable Color Incoherent Alignment Line and Cross-Hair Generator
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THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/DFS\\_HELP.HTML](http://www.uspto.gov/ebc/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2010/041056

The international filing date of the corresponding PCT application(s) is/are: 06 July 2010

## I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)

☒

Is attached

☐

Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(continued)

Application No.:	12823752
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First Named Inventor:	Karl Scheibengraber
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- ☐ **WOLSA, WO**  
Is attached

- ☐ Has already been filed in the above-identified U.S. application on 11/5/2010 and 1/28/2011

- ☐ Are attached.

- Have already been filed in the above-identified U.S. application on 11/5/2010 and 1/28/2011

[illegible]

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature <u>/Benjamin R. Imhoff/</u>	Date <u>2011-07-13</u>
Name (Print/Typed) <u>Benjamin R. Imhoff</u>	Registration Number <u>60036</u>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( *i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# PATENT COOPERATION TREATY

# PCT

From the INTERNATIONAL SEARCHING AUTHORITY

To:  
Imhoff, Benjamin R.  
ANDRUS, SCEALES, STARKE & SAWALL, LLP  
100 East Wisconsin Ave., Suite 1100  
Milwaukee, WI 53202  
ETATS-UNIS D'AMERIQUE

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing (day/month/year)		19 January 2011 (19-01-2011)
Applicant's or agent's file reference 229-00031	<b>FOR FURTHER ACTION</b> See paragraphs 1 and 4 below	
International application No. PCT/US2010/041056	International filing date (day/month/year) 6 July 2010 (06-07-2010)	
Applicant Gammex, Inc.		

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70

For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 - 9.011.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**


The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before completion of the technical preparations for international publication (Rules 90*bis*.1 and 90*bis*.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040 Fax: (+31-70) 340-3016	Authorized officer ACQUAVIVA, Laure Tel: +49 (0)89 2399-5656
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PATENT COOPERATION TREATY  
PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 229-00031	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US2010/041056	International filing date (day/month/year) 06/07/2010	(Earliest) Priority Date (day/month/year) 07/06/2009
Applicant Gammex, Inc.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 6 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☒ **Unity of invention is lacking** (see Box No III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant  
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant  
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 4  
☐ as suggested by the applicant  
☒ as selected by this Authority, because the applicant failed to suggest a figure  
☐ as selected by this Authority, because this figure better characterizes the invention  
b. ☐ none of the figures is to be published with the abstract

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US2010/041056

## Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
  
2. ☐ Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
  
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
  
2. ☐ As all searchable claims could be searched without effort justifying an additional fees, this Authority did not invite payment of additional fees.
  
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
  
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

1-4, 10-25

### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- ☐ No protest accompanied the payment of additional search fees.

# INTERNATIONAL SEARCH REPORT

International applic. ☒ No  
PCT/US2010/041056

A. CLASSIFICATION OF SUBJECT MATTER  
INV. A61B6/08 G08B13/18  
ADD. A61N5/10

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
A61B G08B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A	US 5 038 260 A (SCHEIBENGRABER KARL J [US]) 6 August 1991 (1991-08-06) column 3; figure 1	1,2 3,4, 10-25
A	US 2008/013088 A1 (HESSERT ROLAND [DE] ET AL) 17 January 2008 (2008-01-17) paragraph [0014]	3,4,10, 17
A	US 4 385 397 A (VERRO PIERO) 24 May 1983 (1983-05-24) column 3, line 10 - line 15	1-4, 10-25
A	US 4 730 895 A (SIEDBAND MELVIN P [US] ET AL) 15 March 1988 (1988-03-15) figure 3	1-4, 10-25
	----- -/--	

☒ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

### \* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*Z\* document member of the same patent family

Date of the actual completion of the international search

4 October 2010

Date of mailing of the international search report

19/01/2011

Name and mailing address of the ISA/

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040,  
Fax: (+31-70) 340-3016

Authorized officer

Anscombe, Marcel

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US2010/041056

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5 095 386 A (SCHEIBENGRABER KARL J [US]) 10 March 1992 (1992-03-10) column 3 - column 4; figure 3 -----	1-4, 10-25
A	US 4 538 289 A (SCHEIBENGRABER KARL J [US]) 27 August 1985 (1985-08-27) figure 5 -----	1-4, 10-25
A	US 4 693 567 A (OZAKI YASUTO [JP]) 15 September 1987 (1987-09-15) figure 1 -----	1-4, 10-25

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International applic. No

PCT/US2010/041056

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5038260	A	06-08-1991	NONE	
US 2008013088	A1	17-01-2008	CA 2582047 A1 WO 2006042505 A1 DE 102004050428 A1 EP 1802422 A1 ES 2306236 T3	27-04-2006 27-04-2006 20-04-2006 04-07-2007 01-11-2008
US 4385397	A	24-05-1983	EP 0077899 A2 IL 66585 A JP 58094836 A	04-05-1983 31-07-1985 06-06-1983
US 4730895	A	15-03-1988	NONE	
US 5095386	A	10-03-1992	NONE	
US 4538289	A	27-08-1985	DE 3247739 A1 GB 2112172 A JP 59011839 A	07-07-1983 13-07-1983 21-01-1984
US 4693567	A	15-09-1987	CA 1245487 A1 DE 3378381 D1 EP 0102221 A2	29-11-1988 08-12-1988 07-03-1984

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-4, 10-25

An alignment device for use in the alignment of a subject with special technical features relating to producing light of a selected wavelength (claim 3) or selectively producing a plurality of wavelengths (claim 10) or the light source emitting light of a selectively variable wavelength (claim 17).

---

2. claim: 5

An alignment device, with potential special technical feature related to adjustable demagnification, solving the problem of controlling the thickness of the alignment line (paragraph [0020]).

---

3. claims: 6-9

An alignment device, with potential special technical feature related to a dove or right angle prism disposed within the convergent light beam, solving the problem of avoiding the use of multiple light sources (paragraph [0005])

---

# PATENT COOPERATION TREATY

## PCT

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2010/041056

International filing date (day/month/year)  
06.07.2010

Priority date (day/month/year)  
07.06.2009

International Patent Classification (IPC) or both national classification and IPC  
INV. A61B6/08 G08B13/18  
ADD. A61N5/10

Applicant  
Gammex, Inc.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0  
Fax: +49 89 2399 - 4465

Date of completion of  
this opinion

see form  
PCT/ISA/210

Authorized Officer

Anscombe, Marcel

Telephone No. +49 89 2399-2490





WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US2010/041056

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Box No. I Basis of the opinion

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1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
  - a. (means)
    - ☐ on paper
    - ☐ in electronic form
  - b. (time)
    - ☐ in the international application as filed
    - ☐ together with the international application in electronic form
    - ☐ subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US2010/041056

**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of

☐ the entire international application

☒ claims Nos. 5-9

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international search (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):

☒ no international search report has been established for the whole application or for said claims Nos. 5-9

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13~~ter~~.1(a) or (b).

☐ See Supplemental Box for further details

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US2010/041056

**Box No. IV Lack of unity of invention**

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has, within the applicable time limit:
- ☐ paid additional fees
  - ☐ paid additional fees under protest and, where applicable, the protest fee
  - ☐ paid additional fees under protest but the applicable protest fee was not paid
  - ☒ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
  - ☒ not complied with for the following reasons:  
**see separate sheet**
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
  - ☒ the parts relating to claims Nos. 1-4, 10-25

**Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	<u>1-4, 10-25</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>3, 4, 10-25</u>
	No: Claims	<u>1, 2</u>
Industrial applicability (IA)	Yes: Claims	<u>1-4, 10-25</u>
	No: Claims	

2. Citations and explanations

**see separate sheet**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2010/041056

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**Box No. VIII    Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

The following documents are cited:

D1: US5038260

D2: US2008013088

**Item IV**

- 1 The application lacks unity for the following reasons. There are three groups of inventions.

Group 1, consisting of **claims 1-3, 10-25**, and directed to an alignment device for use in the alignment of a subject with special technical features relating to producing light of a selected wavelength (**claim 3**) or selectively producing a plurality of wavelengths (**claim 10**) or the light source emitting light of a selectively variable wavelength (**claim 17**).

Group 2, consisting of **claim 5**, and directed to an alignment device, with potential special technical feature related to adjustable demagnification, solving the problem of controlling the thickness of the alignment line (paragraph [0020]).

Group 3, consisting of **claims 6-9**, and directed to an alignment device, with potential special technical feature related to a dove or right angle prism disposed within the convergent light beam, solving the problem of avoiding the use of multiple light sources (paragraph [0005]).

- 2 The reasons are as follows.

- 2.1 The closest prior art to the subject-matter of **claim 1, 10 and 17** is document (D1) US5038260 which discloses an alignment device for use in the alignment of a subject, the alignment device comprising an incoherent light source (38), wherein the incoherent light source emits incoherent light (implicit from "filament light source", col. 3, line 29); and comprising a mirror rod (44) (fig. 1), which may be said to act as a steering mirror, wherein the incoherent light beam is directed to and reflected off the mirror rod, wherein the mirror rod demagnifies and diverges the low divergence light beam (col.3, line 28 ); and comprising a convex cylindrical lens (54) that receives the divergent and demagnified light beam from the mirror rod collimates the divergent and demagnified light beam to a convergent light beam directed at the subject (col. 3, lines 41-49).

- 2.2 The difference between the subject-matter of **claim 1** and the device of document (D1) US5038260 is therefore that (i) there is a first convex cylindrical lens which collimates the incoherent light to produce a low divergence beam and that (ii) the second lens focuses.
- 2.3 The difference between the subject-matter of **claim 10** and the device of document (D1) US5038260 is therefore that (i) there is a first convex cylindrical lens which collimates the incoherent light to produce a low divergence beam and that (ii) the second lens focuses and that (iii) the light source is an array, said array selectively producing a plurality of wavelengths.
- 2.4 The difference between the subject-matter of **claim 17** and the device of document (D1) US5038260 is therefore that (i) there is a first convex cylindrical lens, that (ii) the light source emits light of a selectively variable wavelength, that (iii) the first optical system projects a convergent beam at the subject and that (iv) there is a second optical system.
- 2.5 The subject-matter of **claims 1, 10 and 17** is therefore new (Art. 33(1&2) PCT).
- 2.6 The technical effect of the differences over the prior art of **claim 1** is to (i) collimate the light from the source and (ii) provide a focused beam. The problem solved by the first difference (i) is to collect as much light as possible from the light source (paragraph [0018]). Such measures are routine practice in the art to solve the stated problem and does not contribute to an inventive step. The problem solved by the second difference (ii) is to focus an image onto a subject. Such measures are routine in the art to solve the stated problem and does not contribute to an inventive step. The subject-matter of **claim 1** is therefore not inventive (Art. 33(1&2) EPC).
- 2.7 The technical effect of these differences over the prior art of **claim 10** is to (i) collimate the light from the source; (ii) provide an focused beam and (iii) to provide multiple colours of light. The first two difference do not contribute to and inventive step for the same reasons mentioned above. The third difference solves the problem of ensuring that for various skin tones various colours are available which reflect better of those skin tones and thereby provide a better visibility of the alignment mark (paragraph [0068] & [0070]).
- 2.8 The differences (i) and (iii) over the prior art of **claim 17** are not considered to provide and inventive step for the same reasons as given for claim 1 above. The difference (iv) is an obvious solution to the problem of providing a cross-hair alignment image. The difference (ii) solves the problem of ensuring that

for various skin tones various colours are available which reflect better of those skin tones and thereby provide a better visibility of the alignment mark (paragraph [0068] & [0070]).

- 2.9 The special technical feature (iii) (selectively producing a plurality of wavelengths) and (ii) (the light source emits light of a selectively variable wavelength) in **claims 10 and 17** respectively is partly known from document (D2) US2008013088 (paragraph [0014]) in which two different beams may have different colours. Document (D2) US2008013088 however does not disclose that the colours may be varied nor selected and therefore does not disclose the feature "variable wavelength" nor "selectively producing a plurality of wavelengths". The remaining prior art is remoter still. The skilled person would therefore, in considering the prior art, not arrive at the subject-matter of **claims 10 & 17** and therefore the subject-matter of **claim 10 & 17** meets the requirements of inventive step (Art. 33(1&3) PCT).
- 2.10 The additional subject-matter of **claim 2** is, when the term "multi-colour" is interpreted broadly enough, e.g. meaning also having many spectral components or being white light, not inventive over the disclosures of document D1 for the same reasons as given in item above, since a skilled person knows that an incandescent bulb can be described as producing multi-coloured light.
- 2.11 The subject-matter of **claim 3 & 4** complies with Art. 33(1&3) PCT for the same reasons as stated in item 2.9 above.
- 3 The special technical features of the claims are therefore as stated in the listings of the groups above and it can be seen by inspection that they are not the same. From the statement of the problems solved by the special technical features it be seen that the special technical features are not corresponding because the problems solved are different (Rule 13.2 PCT).
- 4 It follows that the requirements of Rule 13.1 PCT are not met and the application lacks unity.

#### Item V

- 1 The subject-matter of **claims 1, 10 and 17** is new (Art. 33(1&2) PCT) (see reasoning in Item IV 2.2 - 2.4 above).

- 2 The skilled person would, in considering the prior art, not arrive at the subject-matter of **claims 10 & 17** and therefore the subject-matter of **claim 10 & 17** meets the requirements of inventive step (Art. 33(1&3) PCT) (see reasoning in Item IV 2.9 above).
- 3 The additional subject-matter of **claim 2** is not inventive over the disclosures of document D1 for the same reasons as given in item Item IV 2.10 above.
- 4 The additional subject-matter of **claim 3** complies with Art. 33(1&3) PCT for the same reasons as stated in Item V 2 above.

#### Item VIII

The application has three device claims in the same device category and this leads to a lack of conciseness and non-compliance with Art. 6 PCT.



Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

General information	<p>For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.</p>
Amending claims under Art. 19 PCT	<p>Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.</p>
Filing a demand for international preliminary examination	<p>In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/ WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT).</p> <p>If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).</p>
Filing informal comments	<p>After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.</p>
End of the international phase	<p>At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).</p>
Relevant PCT Rules and more information	<p>Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003</p>



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,752	06/25/2010	Karl Scheibengraber	229-00026	8519

26753 7590 07/19/2011  
ANDRUS, SCEALES, STARKE & SAWALL, LLP  
100 EAST WISCONSIN AVENUE, SUITE 1100  
MILWAUKEE, WI 53202

EXAMINER
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VALENTIN, JUAN D

ART UNIT	PAPER NUMBER
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2877

MAIL DATE	DELIVERY MODE
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07/19/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**ANDRUS, SCEALES, STARKE & SAWALL, LLP**  
**100 EAST WISCONSIN AVENUE, SUITE 1100**  
**MILWAUKEE WI 53202**

**In re Application of**  
**SCHEIBENGRABER et al.**  
**Application No.: 12/823,752**  
**Filed: 25 June 2011**  
**Attorney Docket No.: 229-00026**  
**For: VARIABLE COLOR**  
**INCOHERENT ALIGNMENT LINE**  
**AND CROSS-HAIR GENERATOR**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 03 June 2011 and renewed in 13 July 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
TQAS Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,758	06/25/2010	John Larry Sanders	38931-CNT1	8529
23589	7590	08/06/2010		
Hovey Williams LLP				
10801 Mastin Blvd., Suite 1000				
Overland Park, KS 66210				
EXAMINER				
ART UNIT		PAPER NUMBER		
1793				
MAIL DATE		DELIVERY MODE		
08/06/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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CST

8/6/10

In re application of  
John Larry Sanders  
Serial No. 12/823,758  
Filed: June 25, 2010  
For: DUAL SALT FERTILIZER GIVING  
ENHANCED CROP YIELDS

DECISION ON PETITION  
TO MAKE SPECIAL

This is a decision on the petition filed on June 25, 2010 to make the above-identified application special under the accelerated examination program.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.
3. Office action:  
If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and

arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office.

In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

/Christine Tierney/

---

Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700





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**MCHALE & SLAVIN, P.A.**  
**2855 PGA BLVD**  
**PALM BEACH GARDENS FL 33410**

**MAILED**

**AUG 02 2010**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Geist et al.	:	
Application No. 12/823,791	:	<b>ON PETITION</b>
Filed: June 25, 2010	:	
Attorney Docket No. 3362U.004	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 25, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes an Affidavit from the applicant, Arden Allen Geist. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3763 for action on the merits commensurate with this decision.

Liana Walsh  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
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180 NORTH STETSON AVENUE  
CHICAGO IL 60601-6731**

**MAILED**

**SFP 28 2010**

**OFFICE OF PETITIONS**

In re Application of

Theodore I. MALININ

Application No. 12/823,811

Filed: June 25, 2010

Attorney Docket No. 706188

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 25, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by the applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3700.

The application is being forwarded to Technology Center Art Unit 3775 for action on the merits commensurate with this decision.

/d cg/

Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



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233 SOUTH WACKER DRIVE  
6300 WILLIS TOWER  
CHICAGO, IL 60606-6357

**MAILED**

JUL 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Feine, James	:	DECISION ON PETITION
Application No. 12/823,835	:	TO WITHDRAW
Filed: June 25, 2010	:	FROM RECORD
Attorney Docket No. USI-48A	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 7, 2011.

The request is **DISMISSED** as involving a moot issue.

A review of the file record indicates that the power of attorney to the attorneys/agents associated with Customer Number 04743 was revoked by the applicant of the patent application on April 29, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise properly notified.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Liana Walsh/  
Liana Walsh  
Petitions Examiner  
Office of Petitions

cc: LUNDEEN & LUNDEEN, PLLC  
2710 LOUISIANA  
HOUSTON TX 77006



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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH VA 22040-0747

**MAIL**

**SEP 03 2010**

**DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600**

In re Application of	:	
IMAMURA, KIMIHIKO	:	DECISION ON REQUEST TO
Application No. 12/823,853	:	PARTICIPATE IN PATENT
Filed: June 25, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 1609-0171PUS3	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 22, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

---

Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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MYERS BIGEL SIBLEY & SAJOVEC  
PO BOX 37428  
RALEIGH NC 27627

**MAILED**  
**SEP 09 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Robert D. Black, et al.  
Application No. 12/823,858  
Filed: June 25, 2010  
Attorney Docket No. 9099-18DV2

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed August 26, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **NEXSEN PRUET, LLC**  
**P.O. BOX 106483**  
**GREENVILLE, SC 29603**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,868	06/25/2010	Hayato NISHIMURA	TOSH/0134US	8741

7590 03/16/2011  
PATTERSON & SHERIDAN, L.L.P.  
3040 POST OAK BOULEVARD  
SUITE 1500  
HOUSTON, TX 77056

EXAMINER
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ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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03/16/2011

PAPER

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

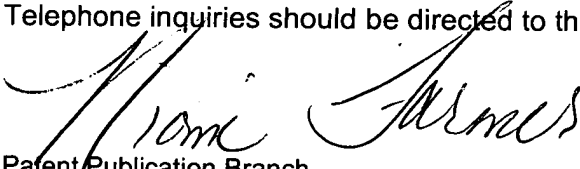
*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management





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**ALBERT BORDAS, P.A.**  
**5975 SUNSET DRIVE**  
**SUITE 607**  
**MIAMI FL 33143**

**MAILED**

**AUG 02 2010**

In re Application of  
Dorra, Maximo  
Application No. 12/823,873  
Filed: June 25, 2010  
Attorney Docket No. 100035

**OFFICE OF PETITIONS**

**ON PETITION**

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 25, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a Declaration from the applicant, Maximo Dorra. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3751 for action on the merits commensurate with this decision.

Liana Walsh  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,886	06/25/2010	Kimihiko IMAMURA	1609-0171PUS4	8785
2292 7590 09/15/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER GHAYOUR, MOHAMMAD H	
			ART UNIT	PAPER NUMBER
			2611	
			NOTIFICATION DATE	DELIVERY MODE
			09/15/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com



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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH VA 22040-0747

In re Application of	:	
IMAMURA, KIMIHIKO	:	DECISION ON REQUEST TO
Application No. 12/823,886	:	PARTICIPATE IN PATENT
Filed: June 25, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 1609-0171PUS4	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 22, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Noted: Claims 1-8 in this instant application are substantially the same as the patentable claims 1 and 3-9 in JPO application 2009-168901. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

---

Doris To  
Quality Assurance Specialist  
Technology Center 2600  
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**CHOATE, HALL & STEWART  
CITRIX SYSTEMS, INC.  
TWO INTERNATIONAL PLACE  
BOSTON MA 02110**

**MAILED**

**NOV 22 2010**

**OFFICE OF PETITIONS**

In re Application of :  
RAPHEL, Jose K. et al. :  
Application No. 12/823,890 :  
Filed: June 25, 2010 :  
Attorney Docket No. 2006579-2143(CTX- :  
171USCN) :

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71 who has properly intervened.

If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **FOLEY & LARDNER LLP**  
**111 HUNTINGTON AVENUE**  
**26TH FLOOR**  
**BOSTON, MA 02199-7610**



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**CHOATE, HALL & STEWART/  
CITRIX SYSTEMS, INC.  
TWO INTERNATIONAL PLACE  
BOSTON MA 02110**

**MAILED**  
**DEC 13 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
RAPHEL, et al :  
Application No. 12/823,890 : **DECISION ON PETITION**  
Filed: June 25, 2010 :  
Attorney Docket No. 2006579-2143(CTX- :  
171USCN) :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, May 2, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned August 3, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1860; and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1270 extension of time fee submitted with the petition on November 14, 2011, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's Deposit Account No. 19-0741.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries should be directed to the Technology Center at (571) 272-2400.

This application is being referred to Technology Center AU 2448 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions

cc: CHRISTOPHER MCKENNA  
FOLEY & LARDNER LLP/  
CITRIX SYSTEMS INC.  
111 HUNTINGTON AVE.  
BOSTON, MA 02199-7610





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AUG 04 2010

Charles G. Nessler  
P.O. Box H  
Chester, CT 06412

In re application of : **DECISION ON PETITION**  
Roy Moore Jr. et al. : **TO MAKE SPECIAL FOR**  
Application No. 12/823,896 : **NEW APPLICATION**  
Filed: June 25, 2010 : **UNDER 37 CFR 1.102**  
For: **CORRUGATED LEACHING CHAMBER**  
**WITH HOLLOW PILLAR SUPPORTS**

This is a decision on the petition filed on June 25, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

## REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

## II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted; including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search. The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
  - 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;
  - 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the

structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;  
6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The petition in this case fails to comply with conditions II.5.2, II.6.2 and II.6.3.

As to condition II.5.2, the petition lacks an indication of a preexamination search that encompasses all of the features of the claims. Specifically, there does not appear to be an adequate classification search. A proper classification search for this invention needs to include a search of 137/255, 312, 314 and 571.

With respect to the required text search of the US Patents database, the search logic used by the applicant in some cases is misdirected and would fail to locate all of the most pertinent art. Search logic encompassing the "broadest reasonable interpretation" of the claimed invention is required. The USPTO website has an example of the proper manner of performing and documenting a preexamination search for Accelerated Examination petitions at: <http://www.uspto.gov/web/patents/accelerated/>. The terms "concave" and "coplanar" should be used in the search. Additionally, examples of acceptable search terms are provided below:

The query term (dome\$4 arch\$4) in L6 on page 5 might be changed to (dome\$4 arch\$4 concave).

(flange with coplanar with (base near plane))  
(flange with coplanar with base)  
((pillar near (base floor bottom)) with coplanar with (base near plane))  
((pillar near base) with coplanar with (chamber with base))

The sample of search terms is not meant to be the sole search terms that can or should be employed in this application, but is meant solely as an example for applicant's assistance.

Finally, because it is necessary to look for every limitation claimed, the indication in the Support Document that limitations such as the limitations of claims 4, 13 and 15, for example, are not found in any of the cited references exposes additional evidence of the search not encompassing the claimed invention. At least the above noted limitations seem to contain structural elements that the examiner assigned this case believes are quite common and it strains credulity to assert that nowhere in the prior art are located these additional claimed limitations. While a reference containing such structure may not

result in a rejection of the claim, not finding the structure at all calls into question the sufficiency of the search. It appears that the search may have been completed on the concept of the disclosed invention rather than the "claimed invention" as is required.

As to item II.6.2, applicant indicates on page 14 of the Support Document that References 12-16 are discussed in relationship to various of the dependent or other independent claims. But what is needed is how these references relate to claim 1. Furthermore, it is not clear how all 16 references correspond to the dependent claims? If a reference does not teach any of a dependent claim limitation(s) it needs to be so stated. It is indicated that the elements of claim 7 correspond to those in claim 1 and later indicates that claim 14 largely corresponds to claims 1 and 7. This is not understood since the scope of the independent claims differ greatly. Each claim must have a clear indication of what, if anything, is taught by each reference.

As to item II.6.3, under the Novelty explanation on page 29, applicant indicates that references 1-7 and 12-16 are a "first category" but doesn't make clear that references 8-11 are of the "second category" if they are to be so designated. Also, the explanation needs to specify how each of the claims are patentable over each of the cited references, which includes the need to specify whether each of the dependent claims are separately patentable beyond the limitations contained in the independent claims, and if so how, or a statement made that the dependent claims are not separately patentable. (This is not clear for all the dependent claims.)

The petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

## DECISION

For the above stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within one (1) month or thirty (30) days, whichever is longer, from the date of this decision. No extensions of time will be granted under 37 CFR 1.136(a) if the request is to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Steven N. Meyers at (571) 272-6611.



---

Steven N. Meyers  
Quality Assurance Specialist  
Technology Center 3600

Snm:8/3/10



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,896	06/25/2010	Roy Moore JR.	ISI-2848A	8806
28152	7590	09/09/2010	EXAMINER	
CHARLES G. NESSLER			LAGMAN, FREDERICK LYNDON	
P.O. BOX H			ART UNIT	PAPER NUMBER
CHESTER, CT 06412			3672	
			MAIL DATE	DELIVERY MODE
			09/09/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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SEP - 9 2010

Charles G. Nessler  
P.O. Box H  
Chester, CT 06412

In re application of	:	<b>DECISION ON PETITION</b>
Roy Moore Jr. et al.	:	<b>TO MAKE SPECIAL FOR</b>
Application No. 12/823,896	:	<b>NEW APPLICATION</b>
Filed: June 25, 2010	:	<b>UNDER 37 CFR 1.102</b>
For: CORRUGATED LEACHING CHAMBER		
WITH HOLLOW PILLAR SUPPORTS		

This is a decision on the renewed petition filed on September 6, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The renewed petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:

If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of



Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Steven N. Meyers, at (571) 272-6611.



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Steven N. Meyers,  
Quality Assurance Specialist  
Technology Center 3600

Sm/sm: 9/9/10



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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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Patent No. : 6/7/2011 7897509  
Ser. No. : 12/823913  
Inventor(s) : Tanaka et al.  
Issued : 3/1/11  
Title : SEMICONDUCTOR WAFER AND METHOD OF MANUFACTURING THE  
SAME AND METHOD OF MANUFACTURING THE SAME AND METHOD OF  
MANUFACTURING SEMICONDUCTOR DEVICE  
Docket No. :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(h) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

*In the Request*, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: Customer Service Window  
Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (703) 872-9306  
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

A certificate of correction will be issued to correct the remaining errors noted in your request.

**Henry Randall**  
Decisions & Certificates  
of Correction Branch  
(703) 756-1571

KIPATRICK TOWNSEND AND STOCKTON LLP  
TWO EMBARCADERO CENTER, EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

HR



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Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834**

**MAILED  
JUL 15 2011  
OFFICE OF PETITIONS**

Patent No. 7,897,509	:	
Issue Date: March 1, 2011	:	
Application No. 12/823,913	:	ON PETITION
Filed: June 25, 2010	:	
Attorney Docket No. 16869U-215910US	:	

This is a decision on the petition filed June 28, 2011, a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,914	06/25/2010	Seigo Ito	SUTOSH.614AUS	8842
20995 7590 03/25/2011 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER	
			ART UNIT	PAPER NUMBER
			2627	
			NOTIFICATION DATE	DELIVERY MODE
			03/25/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
efiling@kmob.com  
eOAPilot@kmob.com



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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

In re Application of	:	
ITO, SEIGO	:	DECISION ON REQUEST TO
Application No. 12/823,914	:	PARTICIPATE IN PATENT
Filed: June 25, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. SUTOSH.614AUS	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 28, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kenneth A. Wieder/

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Kenneth Wieder  
Quality Assurance Specialist  
Technology Center 2600  
Communications



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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
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AMPACC Law Group, PLLC  
6100 219th Street SW, Suite 580  
Mountlake Terrace WA 98043

**MAILED**

**AUG 30 2011**

**OFFICE OF PETITIONS**

In re Application of  
Danielle A. Fong, et al.  
Application No. 12/823,944  
Filed: June 25, 2010  
Attorney Docket No. 800KT-000270US

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 10, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the attorney of record declaring that he is in possession of such evidence that shows the applicant, Karl E. Stahlkopf is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3745 for action on the merits commensurate with this decision.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions





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AMPACC LAW GROUP, PLLC  
6100 219<sup>TH</sup> STREET SW, SUITE 580  
MOUNTLAKE TERRACE WA 98043

**MAILED**  
**MAR 15 2012**  
**OFFICE OF PETITIONS**

In re Application of :  
Danielle A. Fong et al :  
Application No. 12/823,944 : **DECISION GRANTING PETITION**  
Filed: June 25, 2010 : **UNDER 37 CFR 1.313(c)(2)**  
Attorney Docket No. 800KT-000270US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 14, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on February 29, 2012 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3745 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/  
Irvin Dingle  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B STREET  
SUITE 2200  
SAN DIEGO, CA 92101

Applicant: GORDON, et al.  
Appl. No.: 12/823,980  
Filing Date: June 25, 2010  
Title: QUANTUM NANODOT CAMERA  
Attorney Docket No.: 113748-6019C1  
Pub. No.: US 2010/0265333 A1  
Pub. Date: October 21, 2010

**MAILED**  
**NOV 04 2011**  
**OFFICE OF PETITIONS**

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on December 17, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein a joint inventor's first name was misprinted.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The error on the front page of the publication wherein the spelling of the inventor's first name "Demian" was misprinted as "Domian" may be Office error, but is not a material error under 37 CFR 1.221(b). The typographical error of the inventor's name does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

On July 12, 2010, a Filing Receipt was mailed by the Office, which improperly listed the first name of the joint inventor. To avoid this type of problem in the future, applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application. The request for a Corrected Filing Receipt on December 17, 2010 was received too late for the Office to update the Office's records and for use in the publication.

Applicant is encouraged to use and submit an eADS (PTO/SB/14) as an EFS-Web Fillable Form, rather than a scanned PDF image, to benefit from having the data loaded directly into USPTO electronic systems. For questions, contact the Patent EBC (Electronic Business Center):

Telephone: 1-866-217-9197 (toll-free) or E-mail: [ebc@uspto.gov](mailto:ebc@uspto.gov).  
571-272-4100 (local)

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff  
Petitions Examiner  
Office of Petitions



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United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/823,989	06/25/2010	Dimitrios STRATAKIS	0091586-001US0	9006
36257 7590 10/13/2011 DAVIS WRIGHT TREMAINE LLP - San Francisco 505 MONTGOMERY STREET SUITE 800 SAN FRANCISCO, CA 94111				
			EXAMINER TRAN LIEN, THUY	
			ART UNIT 1789	PAPER NUMBER
			NOTIFICATION DATE 10/13/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

SFOJSHPAIR@dwt.com  
sf-patents@dwt.com



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OCT 12 2011

Mailed:

In re application of

Stratakis

Serial No. 12/823,989

Filed: 06/25/2010

For: **GLUTEN-FREE FOOD COMPOSITIONS  
COMPRISING CHEESE, STARCH, AND  
GLUTEN-FREE FLOUR AND METHODS FOR  
MAKING THE SAME**

DECISION ON  
PETITION

This is a decision on a PETITION filed January 20, 2011, which has been accepted as a timely petition under 1.59(b) and MPEP 724.02 and is before the Group Director of Technology Center 1700 for consideration.

**DECISION**

Petitioner requests that the English portion of Reference B3 be removed because the translation does not correspond to the document.

The petition is **GRANTED**.

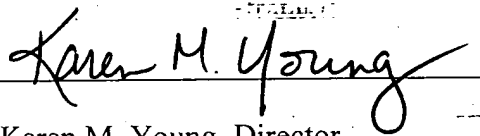
Section 1.59 has been amended to eliminate references to returning documents that have been expunged to recognize that, with electronic Official files, there will be nothing to return when a paper is expunged.

The Office is capturing electronic images of all documents that form the Official file. Where the image is generated from a physical source document, the originating document may be disposed of once the electronic image accuracy is verified. The paper source document will eventually be destroyed under a United States National Archives and Records Administration (NARA) approved schedule. Therefore, if a document is to be expunged from the record, the only operation that will be required will be removal of the image from the Official file.

Paragraph (a)(1) of §1.59 has been amended by deleting the phrase "and returned" from the first sentence, and deleting the second sentence. Paragraph (b) of §1.59 has been amended by deleting the phrase "and return" from each of the first and second sentences. The Office will continue to provide notice in the Official file that a paper has been expunged and the Office will send a decision to the applicant notifying the applicant that the paper has been expunged.

12/823,989

The images will be removed from the Official file.

A handwritten signature in black ink, reading "Karen M. Young", is written over a horizontal line.

Karen M. Young, Director  
Technology Center 1700  
Chemical and Materials Engineering

wk

Stephanie X. Wang  
DAVIS WRIGHT TREMAINE LLP - San Francisco  
505 MONTGOMERY STREET  
SUITE 800  
SAN FRANCISCO CA 94111



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MAILED

OCT 26 2010

OFFICE OF PETITIONS

CHEVRON PHILLIPS CHEMICAL COMPANY  
5601 GRANITE PARKWAY, SUITE 750  
PLANO TX 75024

In re Application of

Leonid RAPPOPORT, et al

Application No. 12/823,994

Filed: June 25, 2010

Attorney Docket No. 240002US02 (4253-00202)

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 4, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement made by registered attorney Rodney B. Carroll, which will be treated as the result of the attorney having evidence that at least one of the applicants is 65 years of age or more. In the event that such evidence is not with the attorney, the Office should be notified immediately. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-2600.

The application is being forwarded to Technology Center Art Unit 1796 for action on the merits commensurate with this decision.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/824,005	06/25/2010	Yoshiyuki NANBA	KATSDC.076C1	9044

7590 10/18/2011  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER
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HABERMEHL, JAMES LEE

ART UNIT	PAPER NUMBER
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2627

NOTIFICATION DATE	DELIVERY MODE
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10/18/2011

ELECTRONIC

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

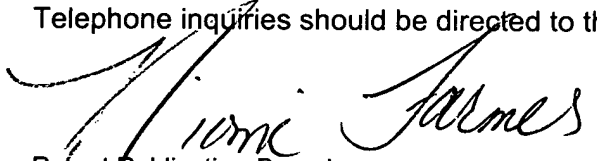
*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/824,030	06/25/2010	Melyssa Barrett	016222-045630US	9100
66945	7590	11/22/2010		
TOWNSEND AND TOWNSEND CREW LLP TWO EMBARCADERO CENTER, 8TH FLOOR SAN FRANCISCO, CA 94111			EXAMINER KRAMER, JAMES A	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 11/22/2010	DELIVERY MODE PAPER

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TOWNSEND AND TOWNSEND CREW LLP  
TWO EMBARCADERO CENTER, 8TH FLOOR  
SAN FRANCISCO CA 94111

In re application of: : **DECISION ON PETITION**  
BARRETT, Melyssa, et al. : **TO MAKE SPECIAL FOR**  
Application No.: 12/824,030 : **NEW APPLICATION**  
Filed: June 25, 2010 : **UNDER 37 CFR 1.102**  
For: TRANSACTION AGGREGATOR

This is a decision on the petition filed on June 25, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP §12.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the

amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination

process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Robert Weinhardt, Business Practice Specialist, at (571) 272-6633.



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Robert Weinhardt  
Business Practice Specialist  
Technology Center 3600

RW/11/20/10



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/824,049	06/25/2010	Jeffrey Cheng-Yao Fong	3382-84454-01	9146
26119 7590 08/27/2010 KLARQUIST SPARKMAN LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204			EXAMINER LO, WEILUN	
			ART UNIT 2179	PAPER NUMBER
			NOTIFICATION DATE 08/27/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tanya.harding@klarquist.com  
docketing@klarquist.com  
valerie.sullivan@klarquist.com



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KLARQUIST SPARKMAN LLP  
121 S.W. Salmon Street  
Suite 1600  
Portland OR 97204

In re Application of:  
FONG, Jeffery et al.  
Serial No.: 12/824,049  
Filed: June 25, 2010  
Docket: 3382-84454-01  
Title: **MULTI-LAYER USER INTERFACE  
WITH FLEXIBLE PARALLEL AND  
ORTHOGONAL MOVEMENT**

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER  
37 C.F.R. § 1.102 &  
M.P.E.P. § 708.02

This is a decision on the petition filed on June 25, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;

4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
- 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;
- 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:
  - 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
  - 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
  - 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
  - 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
  - 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;
  - 6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).



### REVIEW OF FACTS

The conditions II-14, III - II5, II5.1-II5.3, II6.1- II6.4 and II6.6 above are considered to have been met.

However, the petition fails to comply with condition II6.5 above, for the reasons listed below. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

### ANALYSIS

The instant application claims the benefit of provisional application no. 61/304,004. However, the Accelerated Examination Support Document fails to provide a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification of the provisional application. Applicant is required to file either a supplemental or substitute Accelerated Examination Support Document which includes a mapping between the claim limitations of the instant application and the specification of application no. 61/304,004 in order to comply with the requirements of item II6.5.

### DECISION

For the above-stated reasons, the petition is **DISMISSED**.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

---

Eddie C. Lee  
Quality Assurance Specialist  
Technology Center 2100

ed expedite



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/824,049	06/25/2010	Jeffrey Cheng-Yao Fong	3382-84454-01	9146
<div>26119                      7590                      10/01/2010 KLARQUIST SPARKMAN LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204</div>				
			<div>EXAMINER LO, WEILUN</div>	
			<div>ART UNIT 2179</div>	<div>PAPER NUMBER</div>
			<div>NOTIFICATION DATE 10/01/2010</div>	<div>DELIVERY MODE ELECTRONIC</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tanya.harding@klarquist.com  
docketing@klarquist.com  
valerie.sullivan@klarquist.com



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KLARQUIST SPARKMAN LLP  
121 S.W. Salmon Street  
Suite 1600  
Portland OR 97204

In re Application of:

FONG, Jeffery et al.

Serial No.: 12/824,049

Filed: June 25, 2010

Docket: 3382-84454-01

Title: **MULTI-LAYER USER INTERFACE  
WITH FLEXIBLE PARALLEL AND  
ORTHOGONAL MOVEMENT**

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER  
37 C.F.R. § 1.102 &  
M.P.E.P. § 708.02

This is a decision on the renewed petition to make special filed on September 24, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The decision herein is pursuant to the filing of the request for reconsideration dated June 28, 2010.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" issued June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

---

Eddie C. Lee  
Quality Assurance Specialist  
Technology Center 2100



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HOLLAND & HART, LLP  
P.O BOX 8749  
DENVER CO 80201

**MAILED**

**AUG 23 2011**

**OFFICE OF PETITIONS**

In re Application of  
Carrel W. Ewing et al.  
Application No. 12/824,059  
Filed: June 25, 2010  
Attorney Docket No. **57058.0133**

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 8, 2011, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by a registered attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2835 for action on the merits commensurate with this decision.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/824,060	06/25/2010	Jeffrey Cheng-Yao Fong	3382-84448-02	9166
26119 7590 08/27/2010 KLARQUIST SPARKMAN LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204			EXAMINER LO, WEILUN	
			ART UNIT 2179	PAPER NUMBER
			NOTIFICATION DATE 08/27/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tanya.harding@klarquist.com  
docketing@klarquist.com  
valerie.sullivan@klarquist.com



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KLARQUIST SPARKMAN LLP  
121 S.W. Salmon Street  
Suite 1600  
Portland OR 97204

In re Application of:  
FONG, Jeffery et al.  
Serial No.: 12/824,060  
Filed: June 25, 2010  
Docket: 3382-84448-02  
Title: **MULTI-LAYER USER INTERFACE  
WITH FLEXIBLE PARALLEL MOVEMENT**

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER  
37 C.F.R. § 1.102 &  
M.P.E.P. § 708.02

This is a decision on the petition filed on June 25, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.



## II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the filed of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
- 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;
- 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;
- 6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

REVIEW OF FACTS

The conditions II-I4, III - II5, II5.1-II5.3, II6.1- II6.4 and II6.6 above are considered to have been met.

However, the petition fails to comply with condition II6.5 above, for the reasons listed below. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

#### ANALYSIS

The instant application claims the benefit of provisional application no. 61/304,004. However, the Accelerated Examination Support Document fails to provide a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification of the provisional application. Applicant is required to file either a supplemental or substitute Accelerated Examination Support Document which includes a mapping between the claim limitations of the instant application and the specification of application no. 61/304,004 in order to comply with the requirements of item II6.5.

#### DECISION

For the above-stated reasons, the petition is **DISMISSED**.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)), from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

---

Eddie C. Lee  
Quality Assurance Specialist  
Technology Center 2100



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/824,060	06/25/2010	Jeffrey Cheng-Yao Fong	3382-84448-02	9166

26119	7590	10/01/2010
KLARQUIST SPARKMAN LLP		
121 S.W. SALMON STREET		
SUITE 1600		
PORTLAND, OR 97204		

EXAMINER	
LO, WEILUN	

ART UNIT	PAPER NUMBER
2179	

NOTIFICATION DATE	DELIVERY MODE
10/01/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tanya.harding@klarquist.com  
docketing@klarquist.com  
valerie.sullivan@klarquist.com



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KLARQUIST SPARKMAN LLP  
121 S.W. Salmon Street  
Suite 1600  
Portland OR 97204

In re Application of:

FONG, Jeffery et al.

Serial No.: 12/824,060

Filed: June 25, 2010

Docket: 3382-84448-02

Title: **MULTI-LAYER USER INTERFACE  
WITH FLEXIBLE PARALLEL MOVEMENT**

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER  
37 C.F.R. § 1.102 &  
M.P.E.P. § 708.02

This is a decision on the renewed petition to make special filed on September 24, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d). The decision herein is pursuant to the filing of the request for reconsideration dated June 28, 2010.

The petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" issued June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 1.182 or 1.183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Eddie C. Lee at (571) 272-1732.

/Eddie C. Lee/

---

Eddie C. Lee  
Quality Assurance Specialist  
Technology Center 2100



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**D.A. Stauffer Patent Services LLC  
1006 Montford Rd.  
Cleveland Hts. OH 44121-2016**

**MAILED  
NOV 30 2010  
OFFICE OF PETITIONS**

In re Application of	:	
H. Harald Lutzmann et al.	:	
Application No. 12/824,061	:	DECISION ON PETITION
Filed: June 25, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. HHL-101 cip	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 12, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by an attorney on behalf of H. Harald Lutzmann attesting to his age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1616 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



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DERGOSITS & NOAH LLP  
Three Embarcadero Center  
Suite 410  
SAN FRANCISCO CA 94111

**MAILED**

**JAN 03 2011**

In re Application of  
Akbari, Chee, Sharif-Ahmadi, Arjomandi  
Application No.: 12/824,115  
Filed: June 25, 2010  
Attorney Docket No: 1198.05

:  
:  
: **OFFICE OF PETITIONS**  
: **DECISION ACCORDING**  
: **RULE 47(a) STATUS**  
:

For: **USING A PROXY TO IMPROVE A PACKET BASED WIRELESS NETWORK**

This is a decision on the petition under 37 CFR 1.47(a) filed November 24, 2010.

The petition under 37 CFR 1.47(a) is **dismissed**.

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)."

The above-cited application was filed on February 3, 2009, and was not accompanied by a proper declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on February 20, 2009, requiring a properly executed declaration and surcharge. The notice allowed an extendable period for reply of two months from its mailing date. The instant petition was filed on May 20, 2009.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee,
- (4) a statement of the last known address of the non-signing inventor,

The instant petition lacks item (2) as set forth above.

As to item (2), a successful petition under 37 CFR 1.47(a) must be accompanied by a declaration under 37 CFR 1.63 executed by the joint inventors that are amenable to participating in the prosecution of the application. The petition under 37 CFR 1.47(a) does not indicate that the inventors Akbari and Chee are



alleged non-signing inventors. Petitioner must, therefore, file a declaration under 37 CFR 1.63 that is executed by inventors Akbari and Chee and that contains blank signature boxes for the non-signing inventors. Such is required to accompany the renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail:        Mail Stop Petitions  
                  Commissioner for Patents,  
                  PO Box 1450  
                  Alexandria, VA 22313-1450

By FAX:        (571) 273-8300  
                  Attn:    Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



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DERGOSITS & NOAH LLP  
Three Embarcadero Center  
Suite 410  
SAN FRANCISCO CA 94111

**MAILED**

**MAR 14 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Akbari, Chee, Sharif-Ahmadi, Arjomandi :  
Application No.: 12/824,115 :  
Filed: June 25, 2010 :  
Attorney Docket No: 1198.05 :  
For: **USING A PROXY TO IMPROVE A PACKET BASED WIRELESS NETWORK**

:  
:  
: DECISION ACCORDING  
: RULE 47(a) STATUS  
:

This is in response to the petition under 37 CFR 1.47(a), filed February 23, 2011.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-cited application was filed on June 25, 2010, and was not accompanied by a proper declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on July 8, 2010, requiring a properly executed declaration and surcharge. The notice allowed an extendable period for reply of two months from its mailing date. A petition under 37 CFR 1.47(a) was filed on November 24, 2010, and dismissed by a decision mailed January 3, 2011. The instant petition was filed on February 23, 2011.

Petitioner has shown that inventors Sharif-Ahmad and Arjomandi have refused join the above-identified application. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the Office Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions



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Seyed Sharif-Ahmadi  
868 Younette Drive  
West Vancouver V7T 1S9  
CANADA

**MAILED**

**MAR 14 2011**

**OFFICE OF PETITIONS**

In re Application of  
Akbari, Chee, Sharif-Ahmadi, Arjomandi  
Application No.: 12/824,115  
Filed: June 25, 2010  
Attorney Docket No: 1198.05

:  
:  
: DECISION ACCORDING  
: RULE 47(a) STATUS  
:

For: **USING A PROXY TO IMPROVE A PACKET BASED WIRELESS NETWORK**

Dear Inventor Sharif-Ahmadi:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (571) 272-3222. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

DERGOSITS & NOAH LLP  
Three Embarcadero Center  
Suite 410  
SAN FRANCISCO CA 94111



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Fay Arjomandi  
868 Younette Drive  
West Vancouver V7T 1S9  
CANADA

**MAILED**

**MAR 14 2011**

**OFFICE OF PETITIONS**

In re Application of  
Akbari, Chee, Sharif-Ahmadi, Arjomandi  
Application No.: 12/824,115  
Filed: June 25, 2010  
Attorney Docket No: 1198.05

:  
:  
: DECISION ACCORDING  
: RULE 47(a) STATUS  
:

For: **USING A PROXY TO IMPROVE A PACKET BASED WIRELESS NETWORK**

Dear Inventor Arjomandi:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (571) 272-3222. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Kenya A. McLaughlin/

Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions

DERGOSITS & NOAH LLP  
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Suite 410  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.								
12/824,148	06/25/2010	Dong Sug LEE	2086-07	9356								
52706 IPLA P.A. 3550 WILSHIRE BLVD. 17TH FLOOR LOS ANGELES, CA 90010	7590 08/03/2010		<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">DURHAM, NATHAN E</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>3765</td><td></td></tr></table>		EXAMINER		DURHAM, NATHAN E		ART UNIT	PAPER NUMBER	3765	
EXAMINER												
DURHAM, NATHAN E												
ART UNIT	PAPER NUMBER											
3765												
			<table border="1"><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>08/03/2010</td><td>PAPER</td></tr></table>	MAIL DATE	DELIVERY MODE	08/03/2010	PAPER					
MAIL DATE	DELIVERY MODE											
08/03/2010	PAPER											

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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IPLA P.A.  
3550 WILSHIRE BLVD.  
17TH FLOOR  
LOS ANGELES CA 90010

In re Application of	:	
LEE, DONG SUG	:	DECISION ON REQUEST TO
Application No. 12/824,148	:	PARTICIPATE IN PATENT
Filed: June 25, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 2086-07	:	PROGRAM AND PETITION
For: STACKABLE CLOTHES HANGER	:	37 CFR 1.102(d)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 2, 2010 to make the above-identified application special.

The request and petition are GRANTED.

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the KIPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

### CONCLUSION

The request to participate in the PPH pilot program and petition comply with the above requirements. Receipt of a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation and corresponding US claims is acknowledged. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to the Supervisory Patent Examiner Gary Welch Art Unit 3765, at 571-272-4996 and accessible in the PAIR system at <http://uspto.gov/ebc/index.html>.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

Petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/824,161	06/26/2010	James C. Walters	117914-1060	9385
82215	7590	09/02/2010		
Morani Patent Law, P.C. 10009 Georgian Woods Ct. Burke, VA 22015				
			EXAMINER	
			PRASAD, CHANDRIKA	
			ART UNIT	PAPER NUMBER
			2839	
			NOTIFICATION DATE	DELIVERY MODE
			09/02/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

morani@morani-patent-law.com





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Morani Patent Law, P.C.  
10009 Georgian Woods Ct.  
Burke VA 22015

In re Application of:	:	
WALTERS, James C.	:	DECISION ON PETITION TO
Serial No.: 12/824,161	:	MAKE SPECIAL FOR NEW
Filed: June 26, 2010	:	APPLICATION UNDER 37
Title: ELECTRICAL CONNECTOR FOR	:	C.F.R. § 1.102 & M.P.E.P. § 708.2
MISSILE LAUNCH RAIL	:	

This is a decision on the petition filed on June 26, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

#### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

##### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

##### II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition (section II, subsections 1-5) are considered to have been met. However, the petition fails to comply with the all the conditions set forth in section II, subsection 6. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of section II, subsection 6.2, the support document fails to identify all of the limitations in the application claims that are disclosed in the references and where the limitations are disclosed in the cited references. A grantable petition requires an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. More specifically, each reference should be discussed indicating what it discloses with respect to each of the claim limitations followed by a detailed description of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c). 37 CFR 1.111(c) states in part that "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited." The support document does not specifically identify the limitations of the claims which are taught by the references and where the limitations are disclosed in the cited references. The support document mentions a coupling ring connected to the stationary housing but fails to discuss where these limitations are disclosed in the references. Each reference should be discussed indicating what it does disclose (i.e., coupling nut of Crippa (US Patent 6,358,078) and of Drogo (US Patent 4,900,260) and then a detailed description of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c). It is unclear which limitation of the claim is disclosed, or how many of the limitations are disclosed. For these reasons, the petition does not meet the requirement of subsection 6.2.

Regarding the requirements of section II, subsection 6.3, petitioner does not specifically point out the particular language of the claims that distinguishes over the references. The petition fails to provide a detailed explanation of how each of the claims are patentable over each of the references with particularity required by 37 CFR 1.111(b) and (c) and not merely state that the references do not disclose the claim limitations. 37 CFR § 1.111 (b) states "[a] general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." 37 CFR § 1.111 (c) states in part "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made." The support document basically just reiterates limitations of some claims and states that all of the references fail to at least teach or suggest any of the given limitations. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. For example, each reference has potentially corresponding disclosure with claim 1, yet the petition does not contain any discussion of this potentially corresponding disclosure. For these reasons, the petition does not meet the requirement of section II, subsection 6.3.

Regarding the requirements of section II, subsection 6.5, the petition is required to provide a showing of where *each limitation* (italics added) of the claims finds support under 35 USC 112, first paragraph in the *written description* (italics added) of the specification. While the examination support document provides a showing for the current application, as set forth in item 6.5 on page 2 of this decision, "if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists." The support document simply states support in the disclosure under 35 USC 112, first paragraph, is found at least in paragraphs 0030 and 0032-0038 as well as in figures 3, 5A, 5B, 9A and 9B of the application. It does not specifically mention any claim limitation and specifically where support for each claim imitation can be found. For these reasons, the petition does not meet the requirement of section II, subsection 6.5.

#### DECISION

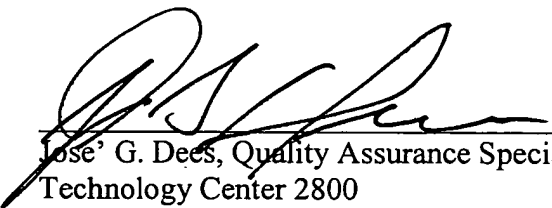
For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petition is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

It is noted that the petition failed to include payment of the petition fee as required. In accordance with the authorization to charge any additional fees under 37 CFR 1.17

Any inquiries regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.



Jose' G. Dees, Quality Assurance Specialist  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/824,161	06/26/2010	James C. Walters	117914-1060	9385
82215	7590	02/03/2011	EXAMINER	
Morani Patent Law, P.C. 10009 Georgian Woods Ct. Burke, VA 22015			PRASAD, CHANDRIKA	
			ART UNIT	PAPER NUMBER
			2839	
			NOTIFICATION DATE	DELIVERY MODE
			02/03/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

morani@morani-patent-law.com



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Morani Patent Law, P.C.  
10009 Georgian Woods Ct.  
Burke VA 22015

In re Application of:  
WALTERS, James C.  
Serial No.: 12/824,161  
Filed: June 26, 2010  
Title: ELECTRICAL CONNECTOR FOR MISSILE  
LAUNCH RAIL

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the request for reconsideration of the petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) filed October 1, 2010. The petition to make special under 37 C.F.R. § 1.102(d) was dismissed on September 2, 2010.

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

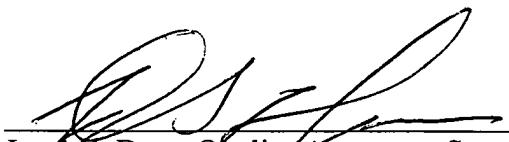
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.

  
\_\_\_\_\_  
Jose' G. Dees, Quality Assurance Specialist  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components





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**AUG 11 2010**

Lyman H. Moulton III, Esq.  
11021 Woodfield Rd.  
South Jordan, UT 84095

In re application of : **DECISION ON PETITION**  
Fiona Lamont : **TO MAKE SPECIAL FOR**  
Application No. 12/824,169 : **NEW APPLICATION**  
Filed: June 26, 2010 : **UNDER 37 CFR 1.102**  
For: **CONTAINER SCOOP AND SCRAPER WITH**  
**ERGONOMIC POCKETS FOR FINGERS AND**  
**THUMB OF ONE HAND**

This is a decision on the petition filed on June 26, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

#### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

##### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

## II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
  - 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation;
  - 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 UDC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The petition in this case fails to comply with conditions II.5.2, II.6.2, II.6.3, and II.6.5, above.

As to condition II.5.2, the petition lacks an indication of a preexamination search that encompasses all of the features of the claims. With respect to the classification search, in addition to the areas searched, the search needs to include at least a search of 294/25 and 15/257.6. Additionally, it does not appear that an acceptable text search had been completed. The search logic used by the applicant as listed in the Search document appears to be too specific, and is guilty of missing some of the claimed features, for example, the specifics of the hand. Search logic encompassing the "broadest reasonable interpretation" of the claimed invention is required. The USPTO website has an example of the proper manner of performing and documenting a preexamination search for Accelerated Examination petitions at: <http://www.uspto.gov/web/patents/accelerated/>. Additionally, examples of sample search logic are provided below:

scoop\$ and (thumb or finger)  
scoop\$ and magnet\$

(scoop\$ scrape\$ dig digging) and (thumb or finger)

The sample search logic is not meant to be the sole search logic that can or should be employed in this application, but is meant solely as an example for applicant's assistance. It is generally required that a foreign search be completed that includes at least the EPO, JPO and WIPO. It is not clear if the espace.net search includes these databases. If so, please confirm. If not, please include a search of these databases. The same examples shown above for the text search can also be used in the search of foreign databases and in the NPL search.

Many of the more common limitations present in the dependent claims are apparently not found in any of the cited references. Some of the claims or portions thereof, for example, but not limited to, claims 6, 9, 10, 13 and 19, appear to contain limitations that are quite common and it strains credulity to assert that nowhere in the prior art are located these additional claimed limitations. The lack of finding art on what appears to be limitations quite common in the art is an indication that a search of the "broadest reasonable interpretation" of the invention has not been properly completed. It appears that the search may have been completed on the concept of the disclosed invention of the independent claims rather than the specifics of the "claimed invention" as is required.

As to condition II.6.2, there currently is not an adequate listing of all the limitations (or portions thereof) in each of the claims that are disclosed in each of the cited references, specifying where each of the limitations (or portions thereof) are disclosed in each of the

references. It appears as if the support document lists only a single reference for each limitation of the claims? It is required that each claim limitation be analyzed with respect to each reference and an identification of each limitation taught by each reference, along with where any such teaching resides. Furthermore, not all limitations are so analyzed; the hinge limitation at the end of claim 1 being one such example, claim 3 being another. Given the brief explanation of each reference, written largely in terms of the language of the references, it is not clear if the limitations (or a portion thereof) of each claim are clearly taught by each reference or not. That must be made clear. While it is not required that the explanation of what is taught by the references be done in terms of the language of the claims, that is usually the easiest way to ensure that the explanation is clear. Therefore, there currently is not an adequate listing of all the limitations (or portions thereof) in each of the claims that are disclosed in each of the cited references, specifying where each of the limitations (or portions thereof) are disclosed in each of the references. Overall, it is not clear that there is even a single claimed limitation that is admitted as taught by the prior art or not separately patentable as obvious. While an application may contain allowable claims, or even rarely have all its claims separately patentable, to suggest that there is not even a single claim limitation that is taught by the prior art is beyond believable.

As to condition II.6.3, there is not a satisfactory detailed explanation of claim patentability over each of the references. The explanation needs to specify how each of the claims are patentable over each of the cited references, which includes the need to specify whether each of the dependent claims are separately patentable beyond the limitations contained in the independent claims, and if so how, or a statement made that the dependent claims are not separately patentable. (This is not clear for all the dependent claims.) At least claims 8 and 15 are not clear as to whether these claims are deemed to be separately patentable from the claims upon which they are dependent, and if so; why? Likewise, are any limitations of the claims addressed, that are not specifically recited as distinct, admitted as taught? In addition, any indication of patentability over the prior art references needs to take in to account any distinctions seen as being obvious over any single or a combination of cited references. Finally, in the Detailed Explanation of Patentability applicant indicates a single limitation in claim 1 that makes the claims patentable, which implies that this is the only patentable distinction? Also, indicating that dependent claims "may also define over the references deemed most closely related if claim 1 was found to be unpatentable" as applicant has done adds nothing to the explanation. What "may" define over the art does not serve to explain why any of the claims are patentably distinct. What specifically is present in each claim deemed to be separately patentable needs to be made clear.

The USPTO website has an example of the proper manner of documenting limitations taught by cited art, and the manner of explaining claim patentability over the references, for an Accelerated Examination Support Document at:  
<http://www.uspto.gov/web/patents/accelerated/>.

As to condition II.6.5, the showing of where each limitation of each of the claims finds support under 35 USC 112 in the written description of the application is insufficient. For each claimed limitation (including dependent claims) the petition needs to identify specific passages, or at least a single

paragraph where each limitation provides support. Listing broadly a number of figures or paragraphs does not comply with what is required.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

#### DECISION

For the above-stated reasons, the petition is **DISMISSED**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Steven N. Meyers, at (571) 272-6611.



---

Steven N. Meyers,  
Quality Assurance Specialist  
Technology Center 3600

Sm/sm: 8/10/10



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/824,169	06/26/2010	Fiona Lamont	20100630-59449	9407

88034 7590 09/20/2010  
Lyman H. Moulton III, Esq.  
11021 Woodfield Rd.  
South Jordan, UT 84095

EXAMINER
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ART UNIT	PAPER NUMBER
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3652

MAIL DATE	DELIVERY MODE
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09/20/2010

PAPER

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SEP 20 2010

Lyman H. Moulton III, Esq.  
11021 Woodfield Rd.  
South Jordan, UT 84095

In re application of : **DECISION ON PETITION**  
Fiona Lamont : **TO MAKE SPECIAL FOR**  
Application No. 12/824,169 : **NEW APPLICATION**  
Filed: June 26, 2010 : **UNDER 37 CFR 1.102**  
For: **CONTAINER SCOOP AND SCRAPER WITH**  
**ERGONOMIC POCKETS FOR FINGERS AND**  
**THUMB OF ONE HAND**

This is a decision on the renewed petition filed on September 13, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

It is noted that applicant has not specifically addressed the Identification of Limitations Disclosed by References for dependent claims 6, 8, 10 and 18. While this identification is technically required, because the above-noted claims are admitted as not being separately patentable beyond the claims upon which they are dependent, this requirement is waived for these claims since it would be immaterial to patentability. Also, applicant has apparently overlooked including claims 8 & 10 to the Showing of Support under 35 USC 112, first paragraph. However, due to the fact that these claims remain unamended, and as such, are self-supporting, this requirement is also waived, so as to not deny the petition for what is viewed as a relatively minor oversight.

The renewed petition to make the application special is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.

2. Restriction Practice:

If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed to a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be



accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

**6. Information Disclosure Statement (IDS):**

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

**7. Post-Allowance Processing:**

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

**8. After-Final and Appeal Procedures:**

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

**9. Proceedings Outside the Normal Examination Process:**

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

**10. Final Disposition:**

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Steven N. Meyers, at (571) 272-6611.

A handwritten signature in black ink, appearing to read 'S. Meyers', is positioned above a horizontal line.

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Steven N. Meyers,  
Quality Assurance Specialist  
Technology Center 3600

Sm/sm: 9/19/10